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6 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
7 joint with the
8 COMMITTEE ON OVERSIGHT AND REFORM
9 and the
10 COMMITTEE ON FOREIGN AFFAIRS,
11 U.S. HOUSE OF REPRESENTATIVES,
12 WASHINGTON, D.C.
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16 INTERVIEW OF: KURT VOLKER
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20
21 Thursday, October 3, 2019
22 Washington, D.C.
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25 The interview in the above matter was held in Room

1 HVC-304, Capitol Visitor Center, commencing at 9:40 a.m.

2 Present: Representatives Schiff, Speier, Swalwell,

3 Nunes, and Turner.

4 Also Present: Representatives Connelly, Raskin, Jordan,

5 Meadows, Perry, and Zeldin.

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1 Appearances:

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4 For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

5 [redacted]

6 [redacted]

7 [redacted]

8 [redacted]

9 [redacted]

10 [redacted]

11 [redacted]

12 [redacted]

13 [redacted]

14 [redacted]

15 [redacted]

16 [redacted]

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19 For the COMMITTEE ON OVERSIGHT AND REFORM:

20 [redacted]

21 [redacted]

22 [redacted]

23 [redacted]

24

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1 For the COMMITTEE ON FOREIGN AFFAIRS:

2 [redacted]

3 [redacted]

4 [redacted]

5 [redacted]

6

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8 For KURT VOLKER:

9 MARGARET E. DAUM,

10 PARTNER,

11 SQUIRE PATTON BOGGS LLP

12 2550 M STREET, NW

13 WASHINGTON, DC 20037

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1 THE CHAIRMAN: Good morning. The interview will come to
2 order.
3 I just want to make a few brief remarks before we get
4 started.
5 This is the first witness interview as part of the
6 impeachment inquiry. It is being conducted by the House
7 Intelligence Committee with the participation of the
8 Oversight and Foreign Affairs Committees.
9 This will be a staff-led interview. We have tried to
10 keep the room to a reasonable size. We expect the questions
11 to be professional, that you'll be treated civilly. We very
12 much appreciate your coming in today.
13 Once my colleague makes some prefatory remarks you'll be
14 given as much time as you'd like to make an opening
15 statement. Then we'll begin the questioning, and my
16 colleague will set out the time limits. But we appreciate
17 your being here today.
18 MR. VOLKER: Thank you.
19 MR. GOLDMAN: Good morning, Ambassador Volker.
20 This is a transcribed interview that is conducted by the
21 House Permanent Select Committee on Intelligence, pursuant to
22 the impeachment inquiry announced by the Speaker of the House
23 on September 24th.
24 Before we begin, if you could just please state your
25 full name and spell your last name for the record.

1 MR. VOLKER: My name is Kurt Volker, and that is K-u-r-t
2 V-o-l-k-e-r.
3 MR. GOLDMAN: Thank you.
4 Along with the other proceedings in furtherance of the
5 inquiry, this interview is being led by the Intelligence
6 Committee in exercise of its oversight and legislative
7 jurisdiction and in coordination with the Committees on
8 Foreign Affairs and Oversight and Reform.
9 In the room today are two majority staff members and two
10 minority staff members from both the Foreign Affairs
11 Committee and the Oversight Committee, as well as majority
12 and minority staff from HPSCI.
13 My name is Daniel Goldman. I'm the director of
14 investigations for the HPSCI majority staff, and I want to
15 thank you for coming in today.
16 To my left here is Daniel Noble. He's a senior counsel
17 for the majority staff, and he will be conducting the
18 majority of the questions today.
19 Before we begin, I would just like to ask that we go
20 around the room and that the staff members all introduce
21 themselves and announce themselves for the record so that the
22 court reporter knows who everybody is. I'll begin to my
23 right.
24 [redacted]
25 [redacted]

1 [redacted]

2 [redacted]

3 [redacted]

4 [redacted]

5 [redacted]

6 [redacted]

7 [redacted]

8 [redacted]

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14 [redacted]

15 [redacted]

16 [redacted]

17 [redacted]

18 [redacted]

19 [redacted]

20 [redacted]

21 [redacted]

22 [redacted]

23 [redacted]

24 [redacted]

25 MR. GOLDMAN: Thank you.

1 This interview will be conducted entirely at the
2 unclassified level. However, because the -- the interview is
3 being conducted here in the Intelligence Committee's secure
4 spaces and in the presence of staff who all have appropriate
5 security clearances.
6 It is the committee's expectation that neither the
7 questions asked of you, the witness, nor answers by you or
8 your counsel would require discussion of any information that
9 is currently or at any point could be properly classified
10 under executive order 13526.
11 Moreover, EO 13526 states that, quote, "In no case shall
12 information be classified, continue to be maintained as
13 classified, or fail to be declassified," unquote, for the
14 purpose of concealing any violations of law or preventing
15 embarrassment of any person or entity.
16 Today's interview is not being taken in executive
17 session, but because of the sensitive and confidential nature
18 of some of the topics and materials that will be discussed,
19 access to the transcript will be limited to the three
20 committees in attendance, the Intelligence Committee, Foreign
21 Affairs Committee, and Committee on Oversight and Reform.
22 In advance of today's interview you voluntarily produced
23 certain documents to the committees, which you have marked as
24 confidential, and they have Bates numbers KV1 through KV65.
25 We may refer to some of those documents today.

1 Mr. Volker, can you please confirm the documents you
2 produced to the committees were generated on unclassified
3 systems and that it is your understanding that the documents
4 are today and were at all times unclassified?
5 MR. VOLKER: Yes, that is my understanding.
6 MR. GOLDMAN: Now, if any of our questions can only be
7 answered with classified information, please inform us of
8 that before you answer the question, and we will reserve time
9 at the end for a classified portion of the interview.
10 Now, let me go over the ground rules for the interview.
11 First, the structure of this transcribed interview. The
12 interview will proceed as follows. The majority will be
13 given 1 hour to ask questions, then the minority will be
14 given 1 hour to ask questions. Thereafter, we will alternate
15 back and forth between majority and minority in 45-minute
16 rounds until the questioning is complete. We will take
17 periodic breaks as needed, and if you need a break at any
18 time, please let us know.
19 Under the committee rules you are allowed to have an
20 attorney present during this interview, and that I see you
21 have brought one.
22 At this time, if counsel could state her appearance for
23 the record.
24 MS. DAUM: Margaret Daum, Squire Patton Boggs, counsel
25 for Ambassador Volker.

1 MR. GOLDMAN: There is a stenographer to your left
2 taking down everything that I say and everything that you say
3 to make a written record of the interview. For the record to
4 be clear, please wait until each question is asked before you
5 answer, and we will wait until you finish your response
6 before asking you the next question.
7 The stenographer cannot record nonverbal answers, such
8 as shaking your head, so it is important that you answer each
9 question with an audible, verbal answer.
10 We ask that you give complete replies to questions based
11 on your best recollection. If a question is unclear or you
12 are uncertain in your response, please let us know. And if
13 you do not know the answer to a question or cannot remember,
14 simply say so.
15 Now, finally, you are reminded that it is unlawful to
16 deliberately provide false information to Members of Congress
17 or congressional staff.
18 Now, as we are conducting this interview under oath,
19 Mr. Volker, would you please raise your right hand to be
20 sworn?
21 Do you swear or affirm that the testimony you are about
22 to give is the whole truth and nothing but the truth, so help
23 you God?
24 MR. VOLKER: I so swear.
25 MR. GOLDMAN: Thank you.

1 The record will reflect that the witness has been duly
2 sworn.
3 Now, Mr. Volker, with that, we turn it over to you for
4 any opening statement that you would like to make.
5 MR. CASTOR: If we may, I believe Mr. Jordan has some
6 welcoming remarks.
7 MR. JORDAN: I want to be clear on the ground rules.
8 Members are permitted to ask questions?
9 THE CHAIRMAN: Mr. Jordan, it was our intention to make
10 this a staff-only interview. I'm not going to prohibit
11 Members, but we'd like to keep this professional at the staff
12 level.
13 MR. JORDAN: Mr. Chairman, I've probably sat in on more
14 transcribed interviews than maybe any other Member, at least
15 on our side, and I have never seen an effort to prohibit
16 Members from asking the witness questions. So we will be
17 able to ask questions?
18 THE CHAIRMAN: I'm not going to prohibit you,
19 Mr. Jordan, but we will expect you to treat the witness with
20 respect.
21 MR. JORDAN: Certainly.
22 THE CHAIRMAN: We have conducted innumerable interviews
23 in the HPSCI over the last several years without any
24 difficulty, and I hope that the decorum that we expect here
25 will be represented on both sides.

1 MR. JORDAN: I certainly agree with that.

2 Just a couple other things I would like to get on the

3 record.

4 In the countless number of transcribed interviews I have

5 participated in before we have never seen the limitations

6 placed on staff that you have done to the Oversight Committee

7 and to the Foreign Affairs Committee. I have never seen a

8 time where agency counsel was not allowed to be present. And

9 I've certainly never seen an indication that you would prefer

10 Members not even participate in the interview.

11 But with that, we'll proceed. But I at least wanted to

12 get that on the record before we heard from our witness

13 today.

14 THE CHAIRMAN: Thank you.

15 I yield back to Mr. Goldman.

16 MR. GOLDMAN: Mr. Volker, if you have an opening

17 statement, now is the time for you to deliver it.

18 MR. VOLKER: Thank you. I do.

19 And thank you very much for the opportunity to provide

20 this testimony today.

21 Allow me to begin by stressing that you and the American

22 people can be reassured and proud that the Department of

23 State and the Department of Defense and the professionals

24 working there, civil and Foreign Service and military, have

25 conducted themselves with the highest degree of

1 professionalism, integrity, and dedication to the national
2 interest. That is a testament to the strength of our people,
3 our institutions, and our country.
4 MR. JORDAN: Ambassador, could you just pull it really
5 close, the microphone?
6 MR. VOLKER: Oh, I'm sorry.
7 As a former member of the senior Foreign Service and in
8 conducting my role as U.S. Special Representative for Ukraine
9 negotiations, I have similarly acted solely to advance U.S.
10 national interests, which included supporting democracy and
11 reform in Ukraine, helping Ukraine better defend itself and
12 deter Russian aggression, and leading U.S. negotiating
13 efforts to end the war and restore Ukraine's territorial
14 integrity.
15 Throughout my career, whether as a career diplomat, U.S.
16 Ambassador to NATO, or in my other capacities, I have tried
17 to be courageous, energetic, clear-eyed, and plainspoken,
18 always acting with integrity to advance core American values
19 and interests. My efforts as U.S. Special Representative for
20 Ukraine negotiations were no different.
21 In carrying out this role I at some stage found myself
22 faced with a choice: to be aware of a problem and to ignore
23 it, or rather to accept that it was my responsibility to try
24 to fix it. I would not have been true to myself, my duties,
25 or my commitment to the people of the United States or

Ukraine if I did not dive in and try to fix problems as best I could.

There are five key points I would like to stress in this testimony, and I would like to submit a longer version and timeline of events for the record.

THE CHAIRMAN: Without objection.

[The information follows:]

******** COMMITTEE INSERT ********

1 MR. VOLKER: Let me be clear that I wish to be complete
2 and open in my testimony in order to help get the facts out
3 and the record straight.
4 First, my efforts were entirely focused on advancing
5 U.S. foreign policy goals with respect to Ukraine. In this
6 we were quite successful. U.S. policy toward Ukraine for the
7 past 2 years has been strong, consistent, and has enjoyed
8 support across the administration, bipartisan support in
9 Congress, and support among our allies and Ukraine. While I
10 will not be there to lead these efforts any longer, I
11 sincerely hope that we are able to keep this policy strong
12 going forward.
13 You may recall that in the spring of 2017, when then
14 Secretary of State Tillerson asked if I would take on these
15 responsibilities, there were major complicated questions
16 swirling in public debate about the direction of U.S. policy
17 towards Ukraine:
18 Would the administration lift sanctions against Russia?
19 Would it make some kind of grand bargain with Russia in
20 which it would trade recognition of Russia's seizure of
21 Ukrainian territory for some other deal in Syria or
22 elsewhere?
23 Would the administration recognize Russia's claimed
24 annexation of Crimea?
25 Will this just become another frozen conflict?

1 There were also a number -- a vast number of vacancies
2 in key diplomatic positions, so no one was really
3 representing the United States in the negotiating process
4 about ending the war in eastern Ukraine.
5 Caring deeply about supporting Ukraine, recognizing that
6 it stands for all of us in building a democracy and pushing
7 back Russian aggression on their soil, and seeking to make
8 sure American policy is in the right place, I agreed to take
9 on these responsibilities.
10 Then Secretary of State Tillerson and I agreed that our
11 fundamental policy goals would be to restore the sovereignty
12 and territorial integrity of Ukraine and to assure the safety
13 and security of all Ukrainian citizens, regardless of
14 ethnicity, nationality, or religion.
15 I did this on a voluntary basis, with no salary paid by
16 the U.S. taxpayer, simply because I believed it was important
17 to serve our country in this way. I believed I could steer
18 U.S. policy in the right direction.
19 In 2 years the track record speaks for itself. I was
20 the administration's most outspoken figure highlighting
21 Russia's ongoing aggression against Ukraine and Russia's
22 responsibility to end the war.
23 We coordinated closely with our European allies and
24 Canada to maintain a united front against Russian aggression
25 and for Ukraine's democracy, reform, sovereignty, and

1 territorial integrity. Ukraine policy is perhaps the one
2 area where the U.S. and its European allies are in lockstep.
3 This coordination helped to strengthen U.S. sanctions
4 against Russia and to maintain EU sanctions as well. Along
5 with others in the administration, I strongly advocated for
6 lifting the ban on the sale of lethal defensive arms to
7 Ukraine, advocated for increasing U.S. security assistance to
8 Ukraine, and urged other countries to follow the U.S. lead.
9 I engaged with our allies, with Ukraine, and with Russia
10 in negotiations to implement the Minsk agreements, holding a
11 firm line on insisting on the withdrawal of Russian forces,
12 dismantling of the so-called People's Republics, and
13 restoring Ukrainian sovereignty and territorial integrity.
14 In order to shine a spotlight on Russian aggression and
15 to highlight the humanitarian plight suffered by the people
16 in the Donbas as a result, I visited the war zone in Ukraine
17 three times with media in tow.
18 Together with others in the administration, we kept U.S.
19 policy steady through Presidential and parliamentary
20 elections in Ukraine and worked hard to strengthen the
21 U.S.-Ukraine bilateral relationship under the new President
22 and government, helping shepherd a peaceful transition of
23 power in Ukraine.
24 In short, whereas 2 years ago most observers would have
25 said that time is on Russia's side, we've turned the tables,

1 and now time is on Ukraine's side. That was first, but a
2 very long point.
3 Second, in May of this year, I became concerned that a
4 negative narrative about Ukraine fueled by assertions made by
5 Ukraine's departing prosecutor general was reaching the
6 President of the United States and impeding our ability to
7 support the new Ukrainian government as robustly as I
8 believed we should.
9 After sharing my concerns with the Ukrainian leadership,
10 an adviser to President Zelensky asked me to connect him to
11 the President's personal lawyer, Mayor Rudy Giuliani. I did
12 so. I did so solely because I understood that the new
13 Ukrainian leadership wanted to convince those, like Mayor
14 Giuliani, who believed such a negative narrative about
15 Ukraine, that times have changed and that, under President
16 Zelensky, Ukraine is worthy of U.S. support.
17 I also made clear to the Ukrainians on a number of
18 occasions that Mayor Giuliani is a private citizen and the
19 President's personal lawyer and that he does not represent
20 the United States Government.
21 Third, at no time was I aware of or took part in an
22 effort to urge Ukraine to investigate former Vice President
23 Biden. As you will see from the extensive text messages I am
24 providing, which convey a sense of real-time dialogue with
25 several different actors, Vice President Biden was never a

1 topic of discussion.

2 Moreover, as I was aware of public accusations about the
3 Vice President, Vice President Biden, several times I
4 cautioned the Ukrainians to distinguish between highlighting
5 their own efforts to fight corruption domestically, including
6 investigating Ukrainian individuals, something we support as
7 a matter of U.S. policy, and doing anything that could be
8 seen as impacting U.S. elections, which is in neither the
9 United States' nor Ukraine's own interest.

10 To the best of my knowledge, no such actions by Ukraine
11 were ever taken, at least in part, I believe, because of the
12 advice I gave them.

13 Notably, I did not listen in on the July 25th, 2019,
14 phone call between President Trump and President Zelensky and
15 received only superficial readouts about that conversation
16 afterwards.

17 In addition, I was not aware that Vice President Biden's
18 name was mentioned or a request was made to investigate him
19 until the transcript of this call was released on
20 September 25th, 2019.

21 Fourth, while executing my duties, I kept my colleagues
22 at the State Department and National Security Council
23 informed and also briefed Congress about my actions. This
24 included in-person meetings with senior U.S. officials at
25 State, Defense, and the NSC, as well as staff briefings on

1 Capitol Hill and public testimony in the Senate on June 18th,
2 2019.
3 I have an extensive record of public commentary about
4 our Ukraine policy. I have no doubt that there is a
5 substantial paper trail of State Department correspondence
6 concerning my meetings with Ukrainians, allies, and so forth.
7 As a matter of practice, I did not edit or clear on these
8 messages but told the reporting officers just to report as
9 they normally would.
10 Fifth, and finally, I strongly supported the provision
11 of U.S. security assistance, including lethal defensive
12 weapons to Ukraine, throughout my tenure. I became aware of
13 a hold on congressional notifications about proceeding with
14 that assistance on July 18th, 2019, and immediately tried to
15 weigh in to reverse that position.
16 I was confident that this position would indeed be
17 reversed in the end because the provision of such assistance
18 was uniformly supported at State, Defense, the National
19 Security Council, the House of Representatives, the Senate,
20 and the expert community in Washington.
21 As I was confident the position would not stand, I did
22 not discuss the hold with my Ukrainian counterparts until the
23 matter became public in late August. The position was indeed
24 reversed and assistance allowed to continue within a few
25 weeks after that.

1 Thank you for the opportunity to provide this testimony,
2 and I look forward to answering your questions.
3 EXAMINATION
4 BY MR. NOBLE:
5 Q Thank you, Mr. Volker. And, again, my name is
6 Daniel Noble. I'm a senior counsel on HPSCI, and I'm going
7 to be asking you most of the questions today.
8 Before I begin, I just want to remind you that you're
9 under oath and that it's very important, obviously, for you
10 to tell the truth today.
11 I want to begin at the beginning -- at the end actually
12 -- and it's our understanding that on September 27th, 2019,
13 you resigned your position as the Special Envoy for Ukraine.
14 Is that correct?
15 A Yes, that is correct.
16 Q Why did you resign?
17 A I felt that I would no longer be effective as a
18 special representative with this impeachment inquiry
19 beginning and my name associated with that and all the media
20 attention around that. I didn't think I would be able to go
21 to Ukraine or meet with Russians and be able to carry out
22 those duties in that way anymore.
23 I also wanted to make sure that I would be able to
24 provide testimony, because I could see this coming, with as
25 much candor and integrity as I possibly could.

1 Q Okay. Was there any pressure from Secretary of
2 State Mike Pompeo for you to resign?
3 A Quite the opposite. He was very disappointed.
4 Q Did you receive pressure from anyone in the Trump
5 administration to resign?
6 A No.
7 Q Can you describe your conversation with Secretary
8 Pompeo in connection with your resignation?
9 A Yes. I called him and told him that I was very
10 sorry, I felt that I would not be able to be effective as a
11 special representative going forward, and I thought it was
12 important that I be able to provide testimony as I have just
13 done.
14 He was disappointed because he was focused on the
15 mission with Ukraine, and after the record that we had
16 accomplished over 2 years it's going to be very difficult to
17 have someone step in and pick that up from here.
18 Q Did you discuss anything regarding the
19 investigations that were made aware -- made public in the
20 whistleblower's complaint?
21 A I don't recall discussing the whistleblower's
22 complaint with him in that call.
23 Q Did you discuss the July 25th call between
24 President Trump and President Zelensky with Secretary Pompeo?
25 A No, we didn't.

1 Q Did you discuss your resignation with anyone else
2 at the State Department before resigning?
3 A I believe I spoke with Marik String, who is the
4 acting legal adviser, before I spoke with the Secretary. And
5 I believe I told Marik I was going to talk to the Secretary.
6 I think it was within about a half an hour of each other.
7 Q Did you raise any concerns either with that person
8 or Secretary Pompeo regarding Rudy Giuliani and his
9 activities in Ukraine?
10 A I had several conversations with a number of
11 people -- Marik String was not one of them -- but with others
12 over the course of May through August.
13 Q Okay. Well, we'll get through those at some point
14 today, but I was speaking specifically about in connection
15 with your resignation discussion --
16 A No.
17 Q -- with Secretary Pompeo?
18 A No.
19 Q Okay. Did you discuss your resignation with Rudy
20 Giuliani?
21 A No.
22 Q Did you destroy any records in connection with your
23 departure from the State Department?
24 A No.
25 Q Did you discuss today's testimony with Secretary

1 Pompeo or anyone else at the State Department before today?
2 A No.
3 Q Are you aware of any --
4 A May I -- may I -- I did not discuss the contents of
5 the testimony that I just read. I did discuss the fact that
6 I'm going to testify.
7 Q With whom did you discuss that?
8 A With Marik String, the legal adviser.
9 Q Okay. Are you aware of any efforts by Secretary
10 Pompeo or others at the State Department to try to stop
11 witnesses from cooperating with Congress in connection with
12 this impeachment inquiry?
13 A I read the letter that Secretary Pompeo sent to the
14 committee.
15 Q Do you consider that an effort by Secretary Pompeo
16 to stop witnesses from cooperating with Congress?
17 A It did not provide any instruction not to
18 cooperate, and neither did I receive any separate
19 instruction.
20 Q Are you aware of any other efforts by Secretary
21 Pompeo or others at the State Department to intimidate State
22 Department employees in connection with this inquiry?
23 A I am not aware of any efforts like that.
24 Q Have you ever received any communications, written
25 or otherwise, from the State Department about your testimony

1 today?

2 A Did we?

3 We did receive a letter.

4 Q From whom did you receive that letter?

5 A It would have been from Marik String?

6 MS. DAUM: That's correct.

7 BY MR. NOBLE:

8 Q We'd ask that you provide a copy of that letter to

9 the committee for the record.

10 A Of course.

11 Q And do you have an extra copy for the minority as

12 well?

13 A So this is a letter dated October 2nd, 2019. It is

14 addressed to my attorney, Ms. Margaret Daum at Squire Patton

15 Boggs. It is from Marik String, the acting legal adviser at

16 the State Department.

17 Q And have you read that letter?

18 A I have not read it with any care, no.

19 [Volker Exhibit No. 1

20 Was marked for identification.]

21 BY MR. NOBLE:

22 Q For the record, we're going to mark the letter

23 that's dated October 2nd, 2019, as Exhibit 1.

24 Do you have an extra copy for the minority? Otherwise

25 we'll make a copy.

1 During your discussion with the legal adviser, what, if
2 anything, did he tell you about your testimony?
3 A I think the last conversation I had with him would
4 have had to have been Tuesday of this week, which today is
5 the 3rd, so it must have been the 1st of October. And he
6 told me that he did not have any clear guidance -- that the
7 administration was still deliberating internally what they
8 would say. That was prior to Secretary Pompeo's letter being
9 issued.
10 Q When did you first become aware of efforts by the
11 President of the United States to try to instigate
12 investigations by the Ukraine into a company called Burisma
13 Holdings?
14 A By --
15 Q I'm sorry. Burisma Holdings.
16 A Burisma, yeah.
17 I became aware of the President's interest in -- well,
18 let me take that back.
19 I don't recall ever hearing that the President was
20 interested in investigating Burisma. I became aware of the
21 President being interested in investigations concerning Vice
22 President Biden and his son on September 25th when the
23 transcript of the phone call came out.
24 Q Did you ever have any discussions with Rudy
25 Giuliani or anyone at the State Department regarding

1 investigations into Burisma Holdings?
2 A Yes, I did.
3 Q Okay. We're going to go through some of your text
4 messages that you turned over, and I'll ask you some more
5 questions about that.
6 Did you ever learn of the President's desire for Ukraine
7 to investigate the origins of their investigation into Paul
8 Manafort?
9 A No.
10 Q Did you ever have any discussions with anyone at
11 the State Department or with Rudy Giuliani regarding a desire
12 on the part of Rudy Giuliani or the President for Ukraine to
13 investigate the Paul Manafort case?
14 A No.
15 Q What about anything regarding interference in the
16 2016 U.S. Presidential election?
17 A Yes.
18 Q Are you aware that former Vice President Joe
19 Biden's son Hunter Biden once sat on the board of Burisma
20 Holdings?
21 A Yes.
22 Q Did you know that -- when did you first learn that?
23 A I think early this year, early 2019, as this was
24 being reported in media in the U.S.
25 Q So during your discussions about Burisma Holdings,

1 that we're going to get to in your text messages with other
2 individuals at the State Department, you are aware that
3 Burisma Holdings was associated with Hunter Biden?
4 A I was aware that -- yes, I was aware that he had
5 been a board member.
6 Q Now, I believe in your opening statement you said
7 that President Trump -- you were not aware of President Trump
8 exerting pressure on Ukraine to open investigations. Is that
9 correct?
10 A That's correct, to open investigations into Vice
11 President Biden or his son.
12 Q What about to open up investigations into Burisma
13 Holdings?
14 A No, never aware that he had an interest in Burisma.
15 Q What about openings up investigations into the
16 origins of the 20 -- or into election interference in the
17 2016 election?
18 A I knew that he was concerned about the possibility
19 of there having been election interference. I do not recall
20 him asking for investigations in that. I did hear that
21 separately from Mr. Giuliani.
22 Q And how did you learn that?
23 A We had a meeting with the President in May
24 following my participation in a Presidential delegation for
25 the inauguration of the new Ukrainian President.

1 Q And that was on May 20th, the inauguration?

2 A No. I believe the inauguration was the 21st. Am I

3 wrong?

4 Q May 20th or 21st, on or about?

5 A Okay.

6 Q Okay. And who participated in that meeting with

7 you and the President?

8 A I know that those of us who were part of the

9 Presidential delegation all took part. That was Secretary of

10 Energy Rick Perry, it was Ambassador to the European Union

11 Gordon Sondland, it was Senator Ron Johnson, and it was

12 myself.

13 And there were other people in the room. I don't

14 remember exactly who was there. I believe the deputy

15 national security adviser, Mr. Kupperman (ph), was one person

16 who was there.

17 Q And where did this meeting take place?

18 A It took place in the Oval Office.

19 Q Can you describe the conversation during that

20 meeting?

21 A Yes. The four of us, who had been part of the

22 Presidential delegation, had requested the meeting in order

23 to brief the President after our participation at the

24 inauguration of the new Ukrainian President, and meeting with

25 the new President, an hour-long meeting that we had with him.

1 And we had a very favorable impression of President
2 Zelensky. We believed that he was sincerely committed to
3 reform in Ukraine, to fighting corruption. And we believed
4 that this was the best opportunity that Ukraine has had for
5 20-some years to really break the grip of corruption that has
6 set the country back for so long.
7 And we wanted to convey this to the President and urge
8 that the U.S. and that he personally engage with the
9 President of Ukraine in order to demonstrate full U.S.
10 support for him.
11 We thought that he would -- that he, being President
12 Zelensky, would face a lot of challenges, that going after
13 oligarchs and corruption in Ukraine is not going to be easy,
14 and he's going to need support. And so we wanted to advocate
15 for that U.S. support.
16 In response to that, President Trump demonstrated that
17 he had a very deeply rooted negative view of Ukraine based on
18 past corruption. And that's a reasonable position. Most
19 people who would know anything about Ukraine would think
20 that. That's why it was important that we wanted to brief
21 him, because we were saying, it's different, this guy is
22 different.
23 But the President had a very deeply rooted negative
24 view. We urged that he invite President Zelensky to meet
25 with him at the White House. He was skeptical of that. We

1 persisted. And he finally agreed, okay, I'll do it.
2 Q Why --
3 A May I continue?
4 Q Yes.
5 A I'm sorry.
6 During the course of this conversation he did reference
7 Mayor Giuliani, because he said that what we were saying as a
8 positive narrative about Ukraine is not what he hears. And
9 he gave the example of hearing from Rudy Giuliani that
10 they're all corrupt, they're all terrible people, that they
11 were -- they tried to take me down -- meaning the President
12 in the 2016 election. And so he was clearly demonstrating
13 that he had a negative view of and that information that he
14 was getting from other sources was reinforcing that negative
15 view.
16 Q And what did you understand him, the President, to
17 mean when he said he believed that Ukraine had a role in
18 trying to, I think you said, bring him down?
19 A Yes.
20 Q Can you explain that?
21 A Yes. There were accusations that had been made by
22 the prosecutor general of Ukraine.
23 Q Is that Prosecutor General Lutsenko?
24 A Lutsenko.
25 Q Lutsenko.

1 A Yuriy Lutsenko, L-u-t-s-e-n-k-o.
2 Q Thank you. I think that would be helpful for the
3 court reporter to spell some of the Ukrainian names.
4 A Yes. Yuriy is Y-u-r-i-y.
5 And he, in early 2019 --
6 Q "He" being the President?
7 A No, "he" being the prosecutor general of Ukraine,
8 made a couple of accusations or allegations in early 2019. I
9 don't know exactly when. And they made their way into U.S.
10 media, reported both in print and then a journalist's writing
11 who was then interviewed on television, so it was major news.
12 Q And can I stop you there, Ambassador Volker?
13 A Yes.
14 Q Which news publication, written news publication in
15 particular?
16 A I believe it was The Hill.
17 Q And do you know the author of these articles?
18 A I do.
19 Q Who?
20 A John Solomon.
21 Q Okay. Continue, please.
22 A Okay. These allegations were twofold. One of them
23 that Ukrainians had sought to influence the 2016 election by
24 providing derogatory information about President Trump and
25 about Mr. Manafort to the Hillary Clinton campaign, that this

1 was done by passing that information to our ambassador at the
2 time in Ukraine, Masha Yovanovitch.
3 And --
4 Q Could you please spell that name for the record,
5 too?
6 A Of course. Her proper name is Marie L.
7 Yovanovitch, Y-o-v-a -- 1 second -- Y-o-v-a-n-o-v-i-t-c-h,
8 and she goes by Masha, and I've known her for 30 years -- is
9 that correct? -- '88 to now, so 31 years.
10 So the accusation was that derogatory material to
11 influence the election was given to her and to the Ukrainian
12 ambassador in Washington, Valeri, V-a-l-e-r-i, Chaliy,
13 C-h-a-l-i-y. And this information was therefore intended to
14 reach the Hillary campaign to influence the election. That
15 was one allegation.
16 Q Can I stop you there --
17 A Yes.
18 Q -- before you get to the second allegation. You've
19 used the word "allegation." Do you know whether or not that
20 allegation was ever true or proven, or was there ever any
21 evidence to support it?
22 A I do not know. I know the allegation was made. I
23 have my opinions about the prosecutor general who made them.
24 Q What is your opinion about that allegation, whether
25 it's true or false?

1 A My opinion is that he was --
2 Q "He" being --
3 A He, the prosecutor general.
4 Q Lutsenko, for the record.
5 A Lutsenko, yes. Okay. That's right.
6 Q Because I believe we'll probably be discussing
7 multiple prosecutor generals today.
8 A Yes. Yes. Yes.
9 Q So let's just be clear for the record.
10 A That's a good point. Thank you.
11 My opinion of Prosecutor General Lutsenko was that he
12 was acting in a self-serving manner, frankly making things
13 up, in order to appear important to the United States,
14 because he wanted to save his job. He was on his way out
15 with the election of a new President. You could read the
16 writing on the wall. This was before Zelensky was elected,
17 but you could see the wave of popularity.
18 He had been put in place by the former President, Petro
19 Poroshenko. I think there were a couple motivations to this,
20 but I think most important was that he would stay in office
21 probably to prevent investigations into himself for things
22 that he may have done as prosecutor general.
23 And so by making himself seem important and valuable to
24 the United States, the United States then might object or
25 prevent him from being removed by the new President.

1 Q And to whom was he trying to make himself important
2 precisely?
3 A Well, my assumption was the United States
4 generally. The President himself, you know, the State
5 Department. He --
6 Q What about Rudy Giuliani?
7 A Well, he obviously met with Rudy Giuliani, I've
8 learned that from media reports, and therefore that was also
9 a target of how to get information into the U.S. system.
10 Q Is it your opinion that President Trump believed
11 these allegations?
12 A Yes, it is my opinion that he believed them. I
13 know that Mr. Giuliani did, and I know that Mr. Giuliani
14 reported to President Trump. So I believe that President
15 Trump believed them. I don't know that he believed them.
16 Q Did President Trump want Ukraine to investigate
17 those allegations?
18 A He never said that. He never raised that with me.
19 Q Did the President ever withhold a meeting with
20 President Zelensky until the Ukrainians committed to
21 investigating those allegations?
22 A We had a difficult time scheduling a bilateral
23 meeting between President Zelensky and President Trump.
24 Q Ambassador Volker, that was a yes-or-no question.
25 A Well, if I -- can you repeat the question then?

1 Q Sure. Did President Trump ever withhold a meeting
2 with President Zelensky or delay a meeting with President
3 Zelensky until the Ukrainians committed to investigate the
4 allegations that you just described concerning the 2016
5 Presidential election?
6 A The answer to the question is no, if you want a
7 yes-or-no answer. But the reason the answer is no is we did
8 have difficulty scheduling a meeting, but there was no
9 linkage like that.
10 Q Okay. Let's go to the second allegation. And
11 we're going to come back to the President's interest in that
12 investigation later on. But could you describe, you said
13 there was a second allegation?
14 A Yes. The second allegation is the one about
15 Burisma and Hunter Biden and Vice President Biden. And the
16 allegation there is that Hunter Biden was put on the board of
17 a corrupt company that a prior prosecutor general, Shokin --
18 I believe it's S-h-o-k-i-n -- was seeking to investigate that
19 company and that Vice President Biden weighed in with the
20 President of Ukraine to have that prosecutor general, Shokin,
21 fired. That's the allegation.
22 Q Okay. And to your knowledge, is there any evidence
23 to support that allegation?
24 A There is clear evidence that Vice President Biden
25 did indeed weigh in with the President of Ukraine to have

1 Shokin fired, but the motivations for that are entirely
2 different from those contained in that allegation.
3 Q That were pushed by Prosecutor General Lutsenko --
4 A Correct.
5 Q -- and adopted by John Solomon in The Hill and then
6 repeated on televised news?
7 A Correct. When Vice President Biden made those
8 representations to President Poroshenko he was representing
9 U.S. policy at the time. And it was a general assumption --
10 I was not doing U.S. policy at the time -- but a general
11 assumption among the European Union, France, Germany,
12 American diplomats, U.K., that Shokin was not doing his job
13 as a prosecutor general. He was not pursuing corruption
14 cases.
15 Q So it wasn't just former Vice President Biden who
16 was pushing for his removal, it was those other parties you
17 just mentioned?
18 A I don't know about any other specific efforts. It
19 would not surprise me.
20 Q Now, you mentioned that during your Oval Office
21 meeting with the President and others, following the May 20th
22 or 21st inauguration, you urged the President to have a
23 meeting with President Zelensky. Is that correct?
24 A That's correct.
25 Q Was that an Oval Office meeting that you were

1 urging?

2 A It was a White House visit, so, yes, it would have

3 been an Oval Office meeting.

4 Q And why was the Oval Office meeting important to

5 Ukraine?

6 A It was important to show support for the new

7 Ukrainian President. He was taking on an effort to reform

8 Ukraine, fight corruption, a big sea change in everything

9 that had happened in Ukraine before, and demonstrating strong

10 U.S. support for him would have been very important.

11 Q Okay. And what is it about an Oval Office meeting

12 that is so significant, and why does it send such a strong

13 signal of support for the new Ukrainian administration?

14 A It's just the optics. In addition to what the

15 content of the meeting would be, where we do have a very

16 strong policy of supporting Ukraine, the imagery of the

17 Ukrainian President, you know, at the White House, walking

18 down the colonnade, in the Rose Garden, whatever it might be,

19 that imagery conveys a message of U.S. support.

20 Q Okay. I have two more questions on the second

21 allegation, as you call it, and then I'm going to move on to

22 your text messages.

23 First, did President Trump ever express an interest or

24 desire for Ukraine to open or reopen an investigation of

25 Burisma Holdings?

1 A I never heard that from President Trump.
2 Q What about Giuliani, Rudy Giuliani?
3 A Giuliani did.
4 Q And who did Giuliani work for?
5 A He's President Trump's personal lawyer.
6 Q Does he have -- he has no official role at the
7 State Department. Is that correct?
8 A I have --
9 Q What was your understanding?
10 A Yeah. I believed him to be a private citizen who
11 is President Trump's personal attorney.
12 Q Okay. To your knowledge, has a new prosecutor
13 general been appointed by President Zelensky or the Ukrainian
14 Parliament?
15 A Yes.
16 Q Do you know that person's name?
17 A Yes. This is a tough one. Ryabshapka. And
18 R-y-a-b-s-h-a-p-k-a. That's my best guess.
19 Q And I'm not even going to attempt it, so I'll just
20 ask you, do you know approximately when the new prosecutor
21 general was appointed?
22 A Approximately September 2nd to 5th timeframe,
23 somewhere in that range, I believe.
24 Q Do you know whether the new prosecutor general has
25 opened an investigation into what you called the first

1 allegation?

2 A No, I don't.

3 Q Do you know whether he has opened an investigation

4 or reopened an investigation into Burisma Holdings --

5 A No, I don't.

6 Q -- the second allegation that you described?

7 A No, I don't.

8 Q Okay. So I'd like to turn to some of your text

9 messages that were produced.

10 So before we move to the text messages, I want to ask

11 you a clarifying question. You said that you were not aware

12 of any linkage between the delay in the Oval Office meeting

13 between President Trump and President Zelensky and the

14 Ukrainian commitment to investigate the two allegations as

15 you described them, correct?

16 A Correct.

17 Q Do you know whether there was any linkage that Rudy

18 Giuliani drew between the two of those things?

19 A No. If I can explain --

20 Q You do not know or he did not --

21 A I do not know whether he advocated for any linkage

22 between those things or not.

23 Q Okay. What about President Trump, do you know one

24 way or the other?

25 A No, I don't. May I say --

1 Q Yes.

2 A So the issue as I understood it was this

3 deep-rooted, skeptical view of Ukraine, a negative view of

4 Ukraine, preexisting 2019, you know, going back.

5 When I started this I had one other meeting with

6 President Trump and President Poroshenko. It was in

7 September of 2017. And at that time he had a very skeptical

8 view of Ukraine. So I know he had a very deep-rooted

9 skeptical view.

10 And my understanding at the time was that even though he

11 agreed in the meeting that we had with him, say, okay, I'll

12 invite him, he didn't really want to do it. And that's why

13 the meeting kept being delayed and delayed.

14 And we ended up at a point in talking with the

15 Ukrainians -- who we'll come to this, but, you know, who had

16 asked to communicate with Giuliani -- that they wanted to

17 convey that they really are different. And we ended up

18 talking about, well, then, make a statement about

19 investigating corruption and your commitment to reform and so

20 forth.

21 Q Is that the statement that you discussed in your

22 text messages --

23 A Yes.

24 Q -- around August of 2019?

25 A Yes.

1 Q Okay.
2 A Yeah. To say make a statement along those lines.
3 And the thought behind that was just trying to be convincing
4 that they are serious and different from the Ukraine of the
5 past.
6 Q Now, I recall that in that text -- one of the text
7 messages to Andrey Yermak -- I might have you spell that for
8 the record.
9 A Okay. Andrey is A-n-d-r-e-y, and Yermak is
10 Y-e-r-m-a-k, and he is an assistant to -- or a -- I don't
11 know what the exact title is -- but an assistant to the
12 President of Ukraine, probably his closest adviser.
13 Q I believe in the text messages, and we'll probably
14 go through it, but you sent a proposed statement to
15 Mr. Yermak for President Zelensky to release. Is that
16 correct?
17 A It was the other way around. He sent it to me.
18 Q Okay. And in at least one version of that
19 statement include references to investigations into Burisma
20 Holdings, correct?
21 A That is correct.
22 Q And also into the 2016 election interference?
23 A That is correct.
24 Q Why did you single out those two specific
25 allegations --

1 A Right.

2 Q -- for the statement that President Zelensky was

3 going to release --

4 A Yes.

5 Q -- in order to get the White House visit?

6 A Right. He sent the draft statement to me, and I

7 discussed it with Gordon Sondland, our ambassador to the

8 European Union, and with Rudy Giuliani, we had a conference

9 call together, because I was hoping that this would be

10 convincing, that this is --

11 Q Convincing to who?

12 A To Giuliani, and therefore that information flow

13 reaching the President would be more positive than it had

14 been.

15 And Rudy did not find that convincing. He said that if

16 they're not willing to investigate those things, Burisma --

17 Q Referring to the two allegations we were

18 discussing?

19 A Burisma -- correct -- Burisma and 2016, then what

20 does it mean?

21 And so we talked about it, and I said, well, if it said

22 Burisma, let's be clear, we're talking about the Ukrainian

23 company and Ukrainians that may have violated Ukrainian law

24 or whether any Ukrainians may have tried to influence U.S.

25 elections, that's what we're talking about. And that was,

1 yes, you know, that is what we were talking about.

2 I then wrote a version -- I added that to the statement

3 that Mr. Yermak had sent me so we could look at it and say --

4 Gordon and I, I believe, looked at it -- say, is this what

5 we're talking about? Gordon says, yes.

6 I sent that to Andrey Yermak and discussed it with him.

7 And in that conversation with Andrey and a subsequent

8 conversation I advised him, this is not a good idea.

9 Q Why did you think -- what specifically was not a

10 good idea?

11 A To --

12 Q And why did you think that?

13 A Yeah. I advised him that making those specific

14 references was not a good idea, that a generic statement

15 about fighting corruption and, you know, if anyone had tried

16 to interfere in U.S. domestic politics, it's unacceptable, we

17 have to make sure that never happens again, that's fine. But

18 making those specific references, I said, is not a good idea.

19 Andrey's argumentation, let me start with that, was

20 that, first off, he didn't want to see any evidence destroyed

21 by --

22 Q What do you mean by that?

23 A By -- yes. Very important point. Prosecutor

24 General Lutsenko was at this time still in office, and so the

25 one who's making these allegations, which, you know, there is

1 no -- no evidence was brought forward to support. I thought
2 they were very self-serving and not credible.
3 Q And not only that, since Prosecutor General
4 Lutsenko made those allegations, didn't he later come out and
5 retract the allegations as completely false?
6 A Yeah. I believe that he did.
7 Q Okay.
8 A Yeah. And so he said, first off, we don't want
9 to -- if there is any evidence here, we don't want to say
10 this and then have Lutsenko destroy it.
11 Secondly, we don't want to commit to anything that we
12 might do as an investigation without having our own
13 prosecutor general in place, that is the new team that took
14 office.
15 And my comment back to him was I think those are good
16 reasons. And in addition, I just think it's important that
17 you avoid anything that would look like it would play into
18 our domestic politics, and this could. So just don't do it.
19 I agree with -- so I told Andrey, I agree with you, don't do
20 it.
21 Q So you believe that if the Ukrainians were to
22 announce that they were pursuing investigations into what
23 we've been describing as the two allegations, that could have
24 an impact on U.S. domestic politics?
25 A Yeah. For the reason that you highlighted earlier,

1 which is that it was known that Hunter Biden was a board
2 member of Burisma, so it could be interpreted that way.
3 Q And would it be fair to say that if the Ukrainians
4 announce that they were opening an investigation into those
5 two allegations, it could accrue to the benefit of President
6 Trump's reelection campaign?
7 A We didn't discuss that.
8 Q Do you believe that it could be perceived that way
9 here in the United States?
10 A Clearly, because it has now been perceived that
11 way.
12 Q And you agree with that perception?
13 A Well, we're talking about what we see today
14 especially in light of the phone call on July 25th. At the
15 time I was not aware of that phone -- the contents of that
16 phone call.
17 Q And yet, you raised concerns about it, correct?
18 A Yes, I was --
19 Q At the time.
20 A In August, because of conversations with Giuliani,
21 I wanted to make sure that I was cautioning the Ukrainians,
22 don't get sucked in.
23 Q Did you understand that Rudy Giuliani spoke for
24 President Trump when he was dealing with the Ukrainians?
25 A No.

1 Q Did he -- but you said he was his personal lawyer.
2 Is that correct?
3 A Yes.
4 Q Was he -- do you know whether he was conveying --
5 Rudy Giuliani -- conveying messages that President Trump
6 wanted conveyed to the Ukrainians?
7 A I did not have that impression. I believe that he
8 was doing his own communication about what he believed and
9 was interested in.
10 Q But you said he was working for President Trump?
11 A He is President Trump's personal attorney.
12 Q Yeah. So why would Rudy Giuliani have any role in
13 dealing with the Ukrainians?
14 A Because the Ukrainians asked to be connected to him
15 in order to try to get across their message of being
16 different from the past.
17 Q So the Ukrainians believed that by speaking to Rudy
18 Giuliani they could communicate to President Trump?
19 A That information flow would reach the President.
20 Q Because Rudy Giuliani would convey that information
21 to the President presumably, correct?
22 A Yes.
23 Q Okay. So I do want to go through the text messages
24 because I believe that they're a good anchor for some of the
25 other topics that we've been discussing that I do want to

1 discuss.

2 So I have a copy for you. I don't know if you --

3 A That's helpful if you do. Thank you.

4 Q Okay. So for the record, I'm handing the witness

5 what the witness produced yesterday as KV1 through KV65. And

6 we're not going to put this whole thing in as exhibits.

7 We're going to do portions of them that we'll mark separately

8 as separate exhibits.

9 [Volker Exhibit No. 2

10 Was marked for identification.]

11 BY MR. NOBLE:

12 Q So I'd like to first turn to page 36, and we're

13 going to mark, as exhibit 2, 36, 37, 38, and 39.

14 A Am I correct that it's -- the bottom right is the

15 page number?

16 Q Yes. On the bottom right it should say KV36. Do

17 you see that?

18 A Yes.

19 Q Okay. Great.

20 Up at the top, this is a group message chat between

21 Gordon and Bill. Is that correct?

22 A Yes.

23 Q And what medium were these messages exchanged in?

24 A I believe this was in WhatsApp.

25 Q Okay. And who are Gordon and Bill?

1 A Gordon is U.S. Ambassador to the European Union
2 Gordon Sondland; and Bill is Ambassador Bill Taylor, who is
3 the Charge d'affaires in Kyiv.
4 Q So just a preliminary question. If you jump down
5 to -- and I think it will be easiest to refer to the messages
6 by the date and timestamps on the left-hand side. Do you see
7 those?
8 A Yep.
9 Q Okay. So jumping down a few lines to 6/19/19 at
10 5:12 a.m., do you see where it says, "This message was
11 deleted"?
12 A Yes.
13 Q That appears throughout your text messages that you
14 produced. Do you know why certain text messages were
15 deleted?
16 A Yes. Let me clarify that. When a person sends a
17 text message in WhatsApp and then they go in themselves and
18 delete it, because they're correcting what they were trying
19 to say, I did this, didn't -- you know, I wanted to say
20 something different instead, they delete that. And WhatsApp
21 records that there was a prior message that was deleted
22 before the next message is there.
23 Q Okay. So jumping down to 6/19/19 at 8:33 a.m.
24 A Yes.
25 Q Bill Taylor is writing. And just can you explain

again who Bill Taylor is and where he was and what his role was?

A Yeah. Bill Taylor is the Charge d'affaires at the U.S. Embassy in Kyiv.

Q Okay. Is he a career U.S. State Foreign Service officer?

A He was a career civil servant, and he served as Ambassador to Ukraine, I believe, in the late 2000s. And when Ambassador Yovanovitch departed, the DCM at the Embassy also was at the end of her tour.

And it was my judgment, and I recommended this to Secretary Pompeo, that we needed a more seasoned diplomat in place to be the U.S. Charge. And so I recommended Bill. And Bill had been the vice president of USIP, and he took a leave of absence from that to take on the role of Charge.

Q Okay. And just generally, did you have conversations throughout, I guess, 2019 with Bill Taylor and Gordon Sondland regarding the issues that we've been discussing here today? Is that fair to say?

1 [10:40 a.m.]

2 Mr. Volker. Yes. On a routine basis, we were very

3 closely in touch.

4 BY MR. NOBLE:

5 Q Okay. Let's jump to 6/24/19 at 3:01 p.m. Do you

6 see that one?

7 A Yes, I do.

8 Q And can you read that for the record, what Bill

9 Taylor writes?

10 A So Bill Taylor writes.

11 Q Gordon.

12 A Yes. Bill Taylor: Gordon, can I ask you to see if

13 you can break through on two key issues, a date from the

14 White House for the Zelensky visit -- ZE visit means

15 Zelensky.

16 Q And throughout this, sometimes there's a ZE.

17 Throughout these messages, ZE or Z, that refers generally to

18 President Zelensky of Ukraine?

19 A Correct. So can I ask you to see if you can break

20 through on two key issues, a date from the White House for

21 the Zelensky visit and a senior lead for a delegation to Kyiv

22 for their Independence Day parade and celebration on August

23 24th? The date for the visit is urgent. The NSC has not

24 been able to get a date. Many are travel -- in parentheses,

25 many are traveling, of course. Two years ago, Secretary

1 Mattis came for Independence Day. Last year Ambassador
2 Bolton. Secretary Pompeo can't make it. The Vice President,
3 question mark? Many thanks.
4 Q Please continue.
5 A A further message from Bill Taylor: Gordon, you
6 might not have seen the message from George Kent on the high
7 side that tells us that senior levels at the White House said
8 that the visit is not happening any time soon. Very
9 discouraging. Any chance you can turn this around? If not,
10 I don't think a senior call with the Ukrainians on Friday, as
11 your staff is suggesting, makes sense. Plus, it's a
12 Ukrainian holiday, Constitution Day. Your thoughts?
13 Q Then you go on to say: Let's have an internal call
14 on Friday?
15 A Let's have an internal call Friday, three of us
16 plus Secretary Perry. So rallying that Presidential
17 delegation.
18 Q And please go ahead and read the next line.
19 A Gordon Sondland: This is Vindman and is being
20 fixed. Agree, Kurt, let's talk Friday.
21 Q Okay. I want to ask you about two of the people
22 who are mentioned in these messages. Who is George Kent?
23 A George Kent is the Deputy Assistant Secretary of
24 State responsible for Ukraine, Georgia, and this part of the
25 world. He's formerly the Deputy Chief of Mission in Ukraine.

1 Q Okay. And Mr. Vindman?

2 A Alex Vindman is a National Security Council staffer

3 who has worked on Ukraine.

4 Q And can you explain just what you were -- you and

5 Ambassador Sondland and Mr. Taylor were discussing on this --

6 in these exchanges?

7 A Yes. So this is after President Trump wrote a

8 letter to President Zelensky, inviting him to meet with him

9 at the White House. And then, in trying to nail down a date

10 to propose to the Ukrainians for that visit, we were not

11 getting anywhere. What Gordon is referring to is his belief

12 when he says, "This is Vindman and is being fixed." He

13 believed that Alex Vindman was slow-rolling this invitation

14 to President Zelensky.

15 Q Who believed that?

16 A Gordon Sondland did. He believed that this is

17 Vindman and is being fixed. He believed that the invitation

18 was being slow-rolled by Alex, who was saying: We need to

19 have more content to justify why we have this visit. There's

20 no -- there's nothing for them to talk about. There's no

21 deliverable. There's no accomplishments here. So we need to

22 do more first with Ukraine to build up to White House visit.

23 Q And at this time, what was your position regarding

24 whether or not a meeting should occur between President Trump

25 and President Zelensky?

1 A My -- first off, let me say that I don't think that
2 was what Alex Vindman was doing.
3 Q Okay.
4 A I think Gordon was wrong about that. But it was
5 what Gordon believed. And my view on a visit was that the
6 opposite is true. We need the personal relationship between
7 President Trump and President Zelensky. Once they get to
8 know each other, that will give President Trump the
9 confidence that this is a new day in Ukraine, a new
10 President, a team committed to reform. So I just wanted to
11 get the two of them together as quickly as possible.
12 Q Okay. Now, you referenced a letter from President
13 Trump to President Zelensky congratulating him on his
14 inauguration. Is that correct?
15 A Correct.
16 Q And you've produced a copy of that to us, which I
17 believe is KV-12. Do you have that in front of you? And
18 we're going to mark KV-12 as exhibit 3.
19 [Volker Exhibit No. 3
20 Was marked for identification.]
21 BY MR. NOBLE:
22 Q Do you see that?
23 A Yes, I do.
24 Q And this is the letter where President Trump
25 invites President Zelensky to visit him in Washington, D.C.?

1 A That is correct.
2 Q And the date of this letter is May 29th, 2019?
3 A That is correct.
4 Q And yet, as of the time of these text messages in
5 late June, no meeting had yet been scheduled. Is that right?
6 A That is correct.
7 Q I'm going to jump down, still on page 36, to
8 6/28/19 at 8:30 a.m. And Ambassador Sondland says: Whoo,
9 glad you stayed on.
10 And then can you read what Bill Taylor wrote? And just
11 read the next few lines, and I'll tell you when to stop.
12 A Okay. Gordon Sondland: Whoo, glad you stayed on.
13 Bill Taylor: Me too. I might see him Sunday with
14 Congressman Hoyer's delegation.
15 Bill Taylor: How do you plan to handle informing anyone
16 else about the call? I will completely follow your lead.
17 Kurt Volker: I think we just keep it among ourselves
18 and try to build a working relationship and get the damn date
19 for the meeting.
20 Q The "damn" is blanked out, though, right?
21 A The "damn" is, yes. I don't usually -- and a
22 smiley face because I don't normally use profanity. So I
23 already felt bad about it.
24 Gordon Sondland: Agree with KV, very close hold.
25 Bill Taylor: Got it.

1 Bill Taylor: Kurt had a good meeting with Zelensky, I
2 hear.
3 This is now July 3rd.
4 Q Oh, yeah.
5 A I'm sorry. That's now July 3rd. So that's --
6 Q Yeah, let's stop there. Let's go back up. First
7 of all, can you explain what Ambassador Sondland's role was
8 with respect to Ukraine because you said he was the
9 Ambassador to the European Union, correct?
10 A Yes.
11 Q Why was he involved in U.S.-Ukrainian relations?
12 A He took a strong interest in Ukraine at the EU. We
13 wanted to strengthen EU support for Ukraine. They do a lot
14 of budgetary assistance. We wanted more political
15 assistance. And, for instance, February 28th, we had a U.S.
16 Destroyer visit the Port of Odessa. I went there, as the
17 senior representative, to be there for that Destroyer visit.
18 And Ambassador Sondland came for that as well.
19 And then he was part of the Presidential delegation in
20 May for the President's inauguration. And I found his
21 engagement to be very useful. He had -- he's a political
22 appointee and had close ties with the political side of the
23 White House that I did not have.
24 Q Okay. And did you understand his -- you said
25 political ties to President Trump, what the nature of those

1 were?

2 A I don't know what the nature was. I just know that

3 he had a relationship with President Trump that I did not

4 have.

5 Q Are you aware that he donated a large sum of money

6 to his inauguration fund?

7 A I would not be surprised. I didn't know that.

8 Q But you said he -- was he close -- would you say he

9 was close to President Trump?

10 A I would say that he felt that he could call the

11 President and that they could have conversations. I don't

12 know how close.

13 Q Now, what is this call -- what is the call that

14 you're discussing in these messages that you later say -- or

15 Ambassador Sondland says, very close hold?

16 A Yes.

17 Q What is this call?

18 A Yes. So what I understand this to be -- it took me

19 a while to reconstruct this in my own mind. I believe that

20 Gordon and Bill had a phone call with President Zelensky, and

21 they were -- I don't know what the purpose was, but they were

22 trying to somehow steer President Zelensky on the where we

23 are with the request for a meeting because we had the letter,

24 you know --

25 Q From the President.

1 A -- being invited to the White House, and we're not
2 offering a date. And I believe they had a conversation with
3 him about that.
4 Q Were the Ukrainians -- and I should be more
5 specific. President Zelensky or his close adviser Andriy
6 Yermak, were they pressing you or Ambassador Sondland or Bill
7 Taylor to get this meeting with the President set up?
8 A Yes, they were.
9 Q Okay. And can you describe your conversations with
10 them -- and let's just stick to this general timeframe,
11 May-June of 2019 -- regarding a meeting?
12 A Yeah. They had the letter. They knew that the
13 President was invited to the White House. We were not in a
14 position to give them a date. And they would check in, I'd
15 say, every other day. Anything new? You know, do you
16 have -- and we would just report, you know, or answer their
17 question, you know: Don't have anything. We are trying. We
18 are trying to get a date out.
19 And we -- various different times, you know, we'd weigh
20 in with the National Security Council staff, with -- I know
21 that Gordon Sondland called the chief of staff once. But we
22 were not getting anywhere in getting a date nailed down.
23 Q Why did the Ukrainians keeping contacting you about
24 setting up this meeting with the President? Why was it so
25 important to them? What's your understanding?

1 A For the reason that we discussed earlier. That is
2 a tremendous symbol of support to have their president
3 visiting with our President in the White House.
4 Q Okay. Going back to these text messages, the call
5 that you were discussing, which I believe you said you were
6 not on the call?
7 A I was not.
8 Q Do you know what was discussed during that call?
9 A I believe it was trying to explain to President
10 Zelensky personally: We are working this. We're committed
11 to having you there. We are trying to get a date.
12 That's what I believe it was, but I don't know the
13 specific contents.
14 Q Okay. Jumping down to the line that's 7/3/19 at
15 1:50 p.m.
16 A Yes. Gordon Sondland: I have not briefed Ulrich
17 yet. Waiting for the Bolton meeting and then a comprehensive
18 briefing. If you want to chat with him sooner, no worries on
19 my end. Have a great Fourth.
20 Q Who is Ulrich?
21 A Ulrich is Ulrich Brechbuhl, who is the counselor of
22 the State Department.
23 Q He's a counselor at the State Department, correct?
24 A Yes.
25 Q And what is -- are you aware of his relationship to

1 Secretary Pompeo?
2 A I believe they have a very close relationship and
3 work well together.
4 Q Okay. And what was Ulrich's role with respect to
5 U.S.-Ukrainian relations during 2019?
6 A He played no real role in U.S.-Ukrainian relations
7 at all. He was a way of communicating so that information
8 could get to the Secretary if he needed it to.
9 Q Fair to say Ulrich was a conduit to Secretary
10 Pompeo?
11 A Yes. And one that I did not use very much, but I
12 think Gordon and Bill did call him a few more times than I
13 did.
14 Q I'm sorry. Going back up to that call that we were
15 discussing in the June 28, 2019, text messages, why were you
16 not on that call?
17 A I don't know. I'd have to look at -- I'd have to
18 think about calendar and where I might have been or what I
19 was doing, but I'm not sure.
20 Q Would you normally have been on such calls with
21 Bill Taylor and Gordon Sondland himself and President
22 Zelensky?
23 A Well, there wasn't a normal. This was the only
24 time it happened.
25 Q Okay. Going back down to the 7/3/19 line,

1 Ambassador Sondland wrote: Waiting for the Bolton meeting.
2 What Bolton meeting was he referring to? And I assume
3 he's referring to former National Security Advisor John
4 Bolton?
5 A That is correct. That is who he's referring to.
6 Let me check something. So I don't know what the Bolton
7 meeting is. It may be that we had a meeting or -- waiting
8 for the Bolton meeting. Ah, okay. I think I understand it.
9 The name in here that is misspelled, in the 7/3/19 message,
10 1:22, it says: Did Dayliuk get confirmed with Bolton for
11 next week?
12 That is a misspelling. It is Danylyuk.
13 Q Can you spell it correctly for the record?
14 A The correct spelling is D-a-n-y-l-y-u-k. And --
15 Q Oleksandr Danylyuk?
16 A Oleksandr Danylyuk --
17 Q Danylyuk.
18 A -- was at that time -- he's since resigned. He was
19 at that time the chair of the National Security and Defense
20 Council of Ukraine, appointed by President Zelensky. And he
21 was seeking a meeting with National Security Advisor John
22 Bolton as a first meeting with his counterpart.
23 Q I see.
24 A And I believe the meeting in question with
25 Bolton -- waiting for the Bolton meeting I understand to be

1 --

2 Q Is that the meeting that -- I apologize for

3 interrupting, but is that the meeting that later took place

4 on July 10th --

5 A That is correct.

6 Q -- at the White House?

7 A That is correct.

8 Q And Oleksandr Dany -- I can't pronounce it, but

9 Danylyuk and Andriy Yermak attended that meeting on the

10 Ukrainian side?

11 A That is correct. That is correct.

12 Q Okay. Does Oleksandr Danylyuk also go by Sasha?

13 A Yes.

14 Q Can we jump down to the text messages on July 10th,

15 '19? And I'll just have you read those, starting with what

16 Bill Taylor said at 7:56 a.m.

17 A Yes. So Bill Taylor on July 10th: Just had a

18 meeting with Andriy and Vadym.

19 Q Apology there. Who are Andriy and who are Vadym,

20 for the record?

21 A Vadym is Vadym Prystaiko, P-r-y-s-t-a-i-k-o. He is

22 now the Foreign Minister of Ukraine but at this time was a

23 diplomatic adviser to President Zelensky. Andriy could be

24 one of two people. It could be Andriy Bohdan, A-n-d-r-i-y,

25 Bohdan but spelled in the Ukrainian way, B-o-h-d-a-n. He's

1 the chief of staff of the Presidential administration.
2 That's who I think it is.
3 Q You believe it's Bohdan?
4 A I believe it's Bohdan. The other person it could
5 be, however, is Andriy Yermak. His name is spelled
6 A-n-d-r-e-y.
7 Q Okay. But, to be clear, you're not sure who Bill
8 Taylor was referring to, which Andriy?
9 A I'm not sure. I believe it was Bohdan, but I'm not
10 sure.
11 Q All right. Continue.
12 A Just had a meeting with Andriy and Vadym. Very
13 concerned about what Lutsenko told them. That according to
14 Rudy Giuliani --
15 Q That's RG in the text message?
16 A Yes. RG is Rudy Giuliani, yes.
17 The Zelensky-POTUS meeting will not happen. Advice?
18 And I responded, Kurt Volker: Good grief, please tell
19 Vadym to let the official USG representatives speak for the
20 U.S. Lutsenko has his own self-interest here. And this is
21 what we discussed earlier.
22 Q And please continue.
23 A Okay.
24 Bill Taylor: Exactly what I told them.
25 Bill Taylor: And I said that RG, Rudy Giuliani, is a

1 private citizen.

2 Bill Taylor: I briefed Ulrich this afternoon on this.

3 Bill Taylor: Eager to hear if your meeting with

4 Danylyuk and Bolton resulted in a decision on a call, a phone

5 call between President Trump and President Zelensky.

6 If I can explain that --

7 Q Let's finish the text, then we'll go back and have

8 you explain some things.

9 A Sure.

10 Bill Taylor: How did the meeting go?

11 Kurt Volker: Not good, let's talk. KV.

12 Q And the meeting that's being referred to is the

13 July 10th meeting at the White House?

14 A That's right.

15 Q All right. So I want to go back up to the first

16 line. Andriy and Vadym were very concerned about what

17 Lutsenko told them. Do you know what Lutsenko told them, you

18 wrote?

19 A Just what it says here, that according to Rudy

20 Giuliani, the Zelensky-POTUS meeting will not happen.

21 Q And how did Lutsenko know that?

22 A Because it says here "according to Rudy Giuliani."

23 So, apparently, they spoke.

24 Q Are you aware of whether Prosecutor General

25 Lutsenko and Rudy Giuliani had direct communication?

1 A I know that they met earlier in the year. So it's
2 possible that they had further communications, but I don't
3 know.
4 Q Did Rudy Giuliani ever back brief you on those
5 conversations he had with Lutsenko?
6 A No.
7 Q All right. Bill Taylor says he briefed Ulrich on
8 this. Do you have an understanding why Bill Taylor briefed
9 Ulrich on the situation?
10 A Yes, because with the message that Lutsenko said,
11 that according to Rudy Giuliani this meeting will not happen,
12 he wanted to make sure that the Secretary -- by briefing
13 Ulrich, it would get to the Secretary -- that there's this
14 issue, that this is what was said.
15 Q Do you know what Bill Taylor told Ulrich, Counselor
16 Ulrich exactly?
17 A Well, when he says "briefed Ulrich this afternoon
18 on this," I assume what it is, is that message from Andriy
19 and Vadym about what Lutsenko told them.
20 Q Okay. So Bill Taylor learns from Andriy and Vadym
21 that Rudy Giuliani told Lutsenko that the meeting with the
22 President of the United States was not happening. Is that
23 right?
24 A That's what it says.
25 Q Okay. And then Bill Taylor briefs that to

1 Counselor Ulrich so that Ulrich can inform Secretary Pompeo.
2 Is that fair?
3 A Yes.
4 Q Now, when you're asked about the meeting between
5 Danylyuk and Bolton at the White House on July 10th, you say:
6 It did not go -- you said -- when asked how it went, you
7 said: Not good.
8 A Yes.
9 Q Sorry, that was garbled. But why did you say that?
10 A Because Alex Danylyuk led the meeting and was
11 talking really very bureaucratically. He was getting into
12 the weeds about restructuring the intelligence services, the
13 security services in Ukraine, into the weeds about
14 restructuring the Defense Ministry, how they were going to
15 set up a National Security Council apparatus different from
16 the one -- and this is not the level of conversation you
17 should be having with the National Security Advisor of the
18 United States.
19 You should be conveying a much more top-line strategic
20 message: We're a new team. We understand the problems in
21 Ukraine. We are committed to solving them. We want to work
22 with -- that's what the message should have been, and he just
23 didn't do it.
24 Q Okay. And who was in the room during that
25 conversation?

1 A John Bolton, of course, and with him Rick Perry,
2 Secretary of Energy; Ambassador Sondland; myself. So we had
3 this same Presidential delegation team. We kind of tried to
4 shepherd this relationship together as best we could. Andriy
5 Yermak. Obviously, Oleksandr Danylyuk.
6 There must have been an NSC staffer with John. I don't
7 remember who it was now, whether it was Alex or -- Vindman or
8 whether it was senior director at the time. I don't remember
9 who that was.
10 Q Would that have been Fiona Hill?
11 A I don't remember when Fiona left and when Tim
12 Morrison started.
13 Q Tony Morrison?
14 A No, Tim.
15 Q Tim Morrison, I'm sorry.
16 A Yes. So Fiona was there as senior director up to a
17 point. And when she left, she was replaced by Tim Morrison,
18 and I don't remember when that transition took place.
19 Q During that meeting, was there any discussion about
20 setting up the July 25th telephone call with President Trump
21 and President Zelensky?
22 A I believe -- let me just double-check what it says
23 here too. Yes, there was, because Bill was asking me: Eager
24 to hear if your meeting with Danylyuk and Bolton resulted in
25 a decision on a call.

1 And the reason we were now seeking a phone call was
2 because it had been so long since the letter inviting the
3 President of Ukraine to the White House without scheduling
4 the visit that we thought it would be a good idea for
5 President Trump to call him again.
6 And, in addition, we were looking forward to the
7 Parliamentary election, which was going to be concluded on
8 July 21st. And so we were saying: Let's see if we can get
9 agreement that we'll do a phone call either just before or
10 just after that Parliamentary election.
11 Q Thank you, Ambassador Volker.
12 My time is up, so I'm going to turn it over to my
13 colleagues on the minority side.
14 MR. VOLKER: May we have a short biological break and
15 come back?
16 THE CHAIRMAN: Yes, take a 5-minute break.
17 [Recess.]
18 MR. CASTOR: Back on the record. It's 11:13. Everybody
19 comfortable to start now?
20 BY MR. CASTOR:
21 Q My name is Steve Castor with the Republican staff.
22 Thank you so much for coming in. We were just amazed by your
23 deep knowledge of the region, your ability to recall specific
24 names, pronounce them. During the break, all of the members,
25 the staff at large talked about it, just an incredible

1 appreciation for your knowledge of the region. So thank you
2 for coming in.
3 And we want to signal at the start that we have great
4 respect for you. We have great respect for the career
5 Foreign Service officers, and to the extent any Foreign
6 Service officer is thrust into the political realm, we
7 appreciate that that is just an unfortunate circumstance.
8 Nevertheless, you're here. You're here to answer all
9 the questions. It's very encouraging. So, you know, I'm a
10 congressional staffer. I'm not a career Foreign Service
11 person. So, if I get any of the names, if I mispronounce it,
12 anything of that sort, if I'm not as savvy as you, please
13 forgive me. It in no way is a lack of respect for the job
14 that you and your colleagues do. And, with that in mind, I
15 mean, you mentioned in your opening statement that at all
16 times you conducted yourself with the highest level of
17 personal and professional integrity. Is that fair?
18 A Yes.
19 Q And so any of the facts here, you connecting Mr.
20 Giuliani with Mr. Yermak and to the extent you were
21 facilitating Mr. Giuliani's communication with anybody in the
22 Ukraine, you were operating under the best interests of the
23 United States?
24 A Absolutely.
25 Q And to the extent Mr. Giuliani is tight with the

1 President, has a good relationship with him, has the ability
2 to influence him, is it fair to say that, at times, it was in
3 the U.S.' interest to have Mr. Giuliani connecting with these
4 Ukrainian officials?
5 A Yes, I would say it this way: It was I think in
6 the U.S. interest for the information that was reaching the
7 President to be accurate and fresh and coming from the right
8 people. And if some of what Mr. Giuliani believed or heard
9 from, for instance, the former Prosecutor General Lutsenko
10 was self-serving, inaccurate, wrong, et cetera, I think
11 correcting that perception that he has is important, because
12 to the extent that the President does hear from him, as he
13 would, you don't want this dissonant information reaching the
14 President.
15 Q And you mentioned that the President was skeptical,
16 had a deep-rooted view of the Ukraine. Is that correct?
17 A That is correct.
18 Q And that, whether fair or unfair, he believed there
19 were officials in Ukraine that were out to get him in the
20 run-up to his election?
21 A That is correct.
22 Q So, to the extent there are allegations lodged,
23 credible or uncredible, if the President was made aware of
24 those allegations, whether it was via The Hill or, you know,
25 via Mr. Giuliani or via cable news, if the President was made

1 aware of these allegations, isn't it fair to say that he may,
2 in fact, have believed they were credible?
3 A Yes, I believe so.
4 Q And to that end, did you feel that it was
5 worthwhile to give a little bit with Mr. Giuliani, in terms
6 of the statement?
7 A What I wanted to do with the statement -- and it
8 was not my idea. I believe it must have come up in the
9 conversation that Mr. Giuliani had with Mr. Yermak in Madrid
10 on August 2nd because it was Yermak who came to me with a
11 draft statement.
12 And I viewed this as valuable for getting the Ukrainian
13 Government on the record about their commitment to reform and
14 change and fighting corruption because I believed that would
15 be helpful in overcoming this deep skepticism that the
16 President had about Ukraine.
17 Q And the draft statement went through some
18 iterations. Is that correct?
19 A Yeah. It was pretty quick, though. I don't know
20 the timeline exactly. We have it. But, basically, Andriy
21 sends me a text. I share it with Gordon Sondland. We have a
22 conversation with Rudy to say: The Ukrainians are looking at
23 this text.
24 Rudy says: Well, if it doesn't say Burisma and if it
25 doesn't say 2016, what does it mean? You know, it's not

1 credible. You know, they're hiding something.
2 And so we talked and I said: So what you're saying is
3 just at the end of the -- same statement, just insert Burisma
4 and 2016, you think that would be more credible?
5 And he said: Yes.
6 So I sent that back to Andriy, conveyed the conversation
7 with him -- because he had spoken with Rudy prior to that,
8 not me -- conveyed the conversation, and Andriy said that he
9 was not -- he did not think this was a good idea, and I
10 shared his view.
11 Q You had testified from the beginning you didn't
12 think it was a good idea to mention Burisma or 2016.
13 A Correct.
14 Q But then, as I understand it, you came to believe
15 that if we're going to do the statement, maybe it's necessary
16 to have that reference in there, correct?
17 A I'd say I was in the middle. I wouldn't say I
18 thought it was necessary to have it in there because I
19 thought the target here is not the specific investigations.
20 The target is getting Ukraine to be seen as credible in
21 changing the country, fighting corruption, introducing
22 reform, that Zelensky is the real deal.
23 You may remember that there was a statement that Rudy
24 Giuliani made when he canceled his visit to Ukraine in May of
25 2019 that President Zelensky is surrounded by enemies of the

1 United States. And I just knew that to be fundamentally not
2 true. And so I think, when you talk about overcoming
3 skepticism, that's kind of what I'm talking about, getting
4 these guys out there publicly saying: We are different.
5 Q I guess what I'm trying to get to, though, is that
6 there was a point where you tweaked --
7 A Oh, yeah. Yes.
8 Q -- the draft statement and you sent it back, even
9 though you weren't really in favor of --
10 A Well, I wanted to do that because I was trying to
11 communicate clearly. So what is it that you are saying here?
12 You know, Rudy Giuliani, Gordon was on the phone with that as
13 well. What are you saying? Is this what you're saying?
14 And there is an important distinction about Burisma that
15 I think I made earlier, but I want to repeat it again.
16 Burisma is known for years to have been a corrupt company
17 accused of money laundering, et cetera. So, when someone
18 says investigate Burisma, that's fine. You know, what were
19 Ukrainian citizens doing, and do you want to look into that?
20 Saying investigating Vice President Biden or his son, that is
21 not fine. And that was never part of the conversation.
22 Q And you said earlier today that that was never part
23 of any conversation --
24 A Correct.
25 Q -- you had with --

1 A Yes. And if you go through the pages and pages
2 here, you know, there's -- of everything that was the topic
3 of conversation -- and there's a lot -- that never comes up.
4 Q Okay. And you're the official U.S. representative
5 for the Ukraine, along with the Ambassador, right?
6 A For -- yes. Yes is probably the simplest way to
7 say that.
8 Q And are you confident that the U.S. Ambassador to
9 Ukraine also never ever advocated for the investigation of --
10 A Yes.
11 Q -- Vice President Biden or Hunter Biden?
12 A Yes. I am more than -- more than that, I know from
13 having spoken with Bill Taylor, our Charge there, that he
14 specifically advised Ukrainians: Don't do anything to
15 interfere, that that would be seen as interfering in U.S.
16 elections.
17 Q And the fact that the President may have been
18 zeroed in on the four digits 2016 and Burisma is in line with
19 the President's, you know, often stated concerns about
20 attempts to damage him in the run-up to the 2016 election,
21 right?
22 A That is correct.
23 Q I'd like to -- you know, the Burisma, it's a
24 natural gas company, right, in Ukraine?
25 A Yes.

1 Q Under the control of one of the oligarchs,
2 Zlochevsky?
3 A That sounds right. I don't know the name off the
4 top of my head.
5 Q And he's a former Interior Minister?
6 A I don't know.
7 Q It's my understanding he's a former Interior
8 Minister and that he has great control over energy companies
9 in the energy sector. Is that something you're familiar
10 with?
11 A I'm not really familiar with the details of the
12 company.
13 Q And, you know, there was an issue of whether the
14 former prosecutor general before Lutsenko -- so I guess two
15 prosecutor generals ago?
16 A Yes. This would be Prosecutor General Shokin.
17 Q Shokin. There was a question of whether he was,
18 you know -- some in the United States -- and maybe credible
19 and maybe uncredible, people might get mad that I suggest
20 it's credible, but -- were concerned that Shokin wasn't
21 aggressively going after some of these companies controlled
22 by this former Interior Minister?
23 A That is my understanding.
24 Q And Burisma is one of those companies?
25 A That is my understanding.

1 Q And so, when folks are agitating for Shokin to go
2 after Burisma, it's in the context of there are Ukrainians
3 affiliated with this company that may have been involved with
4 corrupt activities?
5 A Correct.
6 Q And are you aware of whether, you know, Burisma was
7 sufficiently investigated in that time period during the
8 Shokin era?
9 A I don't know. I was not really involved in policy
10 at that time.
11 Q Do you have any awareness, given your deep
12 understanding of the area, whether --
13 A I don't. I'll make one general comment. Ukraine
14 has a long history of pervasive corruption throughout the
15 economy throughout the country, and it has been incredibly
16 difficult for Ukraine as a country to deal with this, to
17 investigate it, to prosecute it.
18 It seemed -- let me put it this way: A slogan that I
19 have used a lot or in explaining this to people is that in a
20 situation where everybody is guilty of something, the choice
21 of whom to prosecute is a political decision. And that's the
22 way anticorruption was played out in Ukraine for decades,
23 that it wasn't about just fighting corruption; it was about
24 who are my enemies and who are my friends and back and forth.
25 Q Was Shokin regarded --

1 A His reputation, as I know it -- I was not involved
2 in policy at this time, but his reputation is one of a
3 prosecutor general who was protecting certain interests
4 rather than prosecuting them.
5 Q And looking to Lutsenko, did Lutsenko express an
6 interest or advance, you know, did he advance investigations
7 into the energy sector companies?
8 A I don't know.
9 Q Then what was the knock on Lutsenko, other than you
10 had said earlier that he may not have been a reliable --
11 A Well, the information about Lutsenko -- and I'm not
12 vouching for this; I'm telling you what was the rumor mill in
13 Kyiv -- that he himself was corrupt, that he was protecting
14 President Poroshenko and friends of President Poroshenko in
15 this, you know, how does prosecution work. He was protecting
16 those sorts of things. He was a politician himself who
17 became the prosecutor general, not a judge or lawyer who got
18 into that position directly, and playing a very political
19 role as prosecutor general.
20 And that he saw the writing on the wall when Zelensky's
21 popularity was rising and Poroshenko was likely to lose the
22 election, and he was concerned about possible investigations
23 into himself once he was out of office and possible
24 investigations into President Poroshenko once he was out of
25 office. So very anxious to see whether he would be able to

1 stay on.

2 Q Going back to the statement of a possible White

3 House meeting, the letter from the President was in May?

4 A May 29th.

5 Q In your experience as a veteran Foreign Service

6 official, is this a long time? I mean, don't these meetings

7 between countries sometimes take a long time to get

8 scheduled?

9 A They do. They do.

10 Q And were the facts that were unfolding after the

11 May 29th letter and the effort to try to expedite the meeting

12 from the Ukrainian side and maybe the concerns from the U.S.

13 side, did that strike you as novel?

14 A Not novel, no. It struck me as normal at the

15 beginning, and then the longer it went on, it became clear

16 there's an issue here. This is not moving.

17 Q But in your career as a Foreign Service veteran,

18 you've seen these --

19 A I've seen that happen. I -- when I was at the

20 National Security Council staff, trying to get meetings with

21 President Bush for various leaders there, banging your head

22 against the wall trying to get it scheduled.

23 Q And it can take months. It can take a year.

24 A It sometimes just doesn't happen.

25 Q And sometimes doesn't happen.

1 And the same with the issue of the aid, the foreign
2 assistance. You know, in your experience, foreign assistance
3 sometimes gets locked up. There's issues to work through.
4 Then it's released. Is what happened here unusual?
5 A You are correct. I agree with you in saying that
6 assistance gets held up for a variety of reasons at various
7 times. That is true.
8 In this case, here you had an instance where everyone
9 that I spoke with in the policy side of the administration --
10 you know, Pentagon, military, civilian, State Department,
11 National Security Council -- they all thought this is really
12 important to provide this assistance. And so, in that
13 circumstance, for there to be a hold placed struck me as
14 unusual.
15 I didn't know the reason. No reason was ever given as
16 to why that was. It came from OMB, so I immediately thought
17 about budgetary issues, that, for whatever reason, there's a
18 hold placed. There was one report about a hold placed on all
19 assistance because of a concern about end-of-year spending
20 not being done efficiently.
21 And I just didn't believe that this hold would ever be
22 sustained because the policy community in the administration
23 was determined to see it go forward.
24 Q And it did?
25 A And it did.

1 Q Looking back on it now, is this something, in the
2 grand scheme of things, that's very significant? I mean, is
3 this worthy of investigating, or is this just another chapter
4 in the rough and tumble world of diplomacy and foreign
5 assistance?
6 A In my view, this hold on security assistance was
7 not significant. I don't believe -- in fact, I am quite sure
8 that at least I, Secretary Pompeo, the official
9 representatives of the U.S., never communicated to Ukrainians
10 that it is being held for a reason. We never had a reason.
11 And I tried to avoid talking to Ukrainians about it for
12 as long as I could until it came out in Politico a month
13 later because I was confident we were going to get it fixed
14 internally.
15 Q So, as one of the official U.S. representatives to
16 the Ukraine, you never explained to them that they needed to
17 do X, Y, or Z to get the aid?
18 A No. By the time it hit Politico publicly, I
19 believe it was the end of August. And I got a text message
20 from, it was either the Foreign Minister or -- I think it was
21 the future Foreign Minister.
22 And, you know, basically, you're just -- you're -- I
23 have to verbalize this. You're just trying to explain that
24 we are trying this. We have a complicated system. We have a
25 lot of players in this. We are working this. Give us time

1 to fix it.

2 Q So anybody on the Ukrainian side of things ever

3 express like grave concern that this would not get worked

4 out?

5 A Not that it wouldn't get worked out, no, they did

6 not. They expressed concern that, since this has now come

7 out publicly in this Politico article, it looks like that

8 they're being, you know, singled out and penalized for some

9 reason. That's the image that that would create in Ukraine.

10 Q And you assured them that --

11 A I told them that is absolutely not the case.

12 Q You were the -- you were working for free --

13 A Yes.

14 Q -- right? And it seems from going through your

15 text messages, the United States Government, that taxpayers

16 were getting a good value.

17 A It's kind of you to say.

18 Q You were working hard?

19 A I was.

20 Q And can you maybe just help us understand why you

21 decided to do this for free?

22 A Yes. I was working and still am as the executive

23 director of the McCain Institute. It was founded by Senator

24 and Mrs. McCain and Arizona State University. I was the

25 founding executive director in 2012. We were building this

1 institute. Some of you may have heard of it by now, which
2 means that we've been successfully building this institute.
3 And I did not feel that I could leave those responsibilities,
4 to leave the McCain family or Arizona State University in
5 order to take on a full-time position.
6 But, because I cared about the issues and I knew that we
7 had a gap, that we were not in the game on Ukraine in early
8 2017 the way we should be, I wanted to help. And so I asked
9 then-Secretary of State Tillerson if he would be okay if I
10 did this on a part-time, voluntary, unpaid basis rather than
11 as a full-time employee because I didn't want -- I didn't
12 feel I could give up the responsibilities I had taken on in
13 developing the McCain Institute.
14 I also had some other personal reasons that I'd rather
15 not dive into, but I did not want to be joining the
16 administration full time at that point.
17 Q So the McCain Institute is your full-time job?
18 A Correct, correct.
19 Q And now you have, as a result largely of this
20 firestorm, you've been -- you had to resign. Is that
21 correct?
22 A No, that is not correct. I am still executive
23 director.
24 Q No, from being a Special Envoy?
25 A Oh, yes. There I would say quite unfortunately

1 because I think we were in a very -- we had developed a very
2 strong Ukraine policy. We had developed a strong
3 relationship with this new government now. We did have a
4 bilateral meeting between the two Presidents in New York. We
5 did get the arms -- the security assistance moving. And
6 there is renewed pressure on Russia. The Ukrainians are
7 being very smart about the negotiations right now, and it's
8 developing some new pressure on Russia. So to be unable to
9 be in a position to keep pressing that I think is very
10 unfortunate.
11 Q So, I mean, is it fair to say you're a little bit
12 of a victim here of this political --
13 A I don't characterize myself as a victim. I would
14 rather characterize myself as a professional. You do the
15 best job you can for as long as you can.
16 Q Secretary Pompeo, I mean, he was disappointed you
17 had decided to leave?
18 A He was disappointed because he saw what I just
19 described as well. We worked this policy well. It's been
20 one of the bright spots in our foreign policy.
21 Q The decision to release the call transcript, the
22 July 25th transcript between President Trump and President
23 Zelensky, was unusual, correct?
24 A Absolutely.
25 Q And do you think it was a good idea -- generally

1 speaking, is it a good idea to release call transcripts?
2 A Generally speaking, I take a view that we need to
3 protect the conversations of our foreign interlocutors. We
4 want to be able to have candid conversations with them, and
5 we don't want to feel that they will not have that degree of
6 openness in speaking with us if they believe what they tell
7 us is going to be released publicly.
8 Q Do you think the release of this particular
9 transcript, the thrusting of Ukraine into the number one
10 national story, is good for Ukrainian-U.S. relations?
11 A That's -- the decision to release it is not my
12 decision. That's taking place at a much higher pay grade.
13 And you could -- as far as the impact on U.S.-Ukraine
14 relations, I believe that the substance of those relations is
15 pretty strong right now, and I don't see it changing.
16 Ukraine needs the support of the United States. The U.S. is
17 committed to supporting Ukraine.
18 Q Can you walk us through the foreign assistance
19 provided by the United States since 2016 -- I'm sorry, since
20 January 2017 a little bit?
21 A Yes.
22 Q Characterize it for us?
23 A Yes. So there has been U.S. assistance provided to
24 Ukraine for some time, under the Bush administration, Obama
25 administration, and now under the Trump administration. I

1 was particularly interested in the security assistance and
2 lethal defensive weapons. The reason for this is this was
3 something that the Obama administration did not approve.
4 They did not want to send lethal defensive arms to Ukraine.
5 I fundamentally disagreed with that decision. It is not
6 my -- you know, I was just a private citizen, but that's my
7 opinion. I thought that this is a country that is defending
8 itself against Russian aggression. They had their military
9 largely destroyed by Russia in 2014 and '15 and needed the
10 help. And humanitarian assistance is great, and nonlethal
11 assistance, you know, MREs and blankets and all, that's fine,
12 but if you're being attacked with mortars and artilleries and
13 tanks, you need to be able to fight back.
14 The argument against this assistance being provided, the
15 lethal defensive assistance, was that it would be provocative
16 and could escalate the fighting with Russia. I had a
17 fundamentally different view that if we did not provide it,
18 it's an inducement to Russia to keep up the aggression, and
19 there's no deterrence of Russia from trying to go further
20 into Ukraine. So I believed it was important to help them
21 rebuild their defensive capabilities and to deter Russia.
22 It's also a symbol of U.S. support.
23 So I argued very strongly from the time I was appointed
24 by Secretary Tillerson that the rationale for why we were not
25 providing lethal defensive assistance to me doesn't hold

1 water and that is a much stronger rationale that we should be
2 doing it.
3 That eventually became administration policy. It took a
4 while, but Secretary Tillerson, you know, he wanted to think
5 it through, see how that would play out. How would the
6 allies react to this? How would Russia react to this? How
7 would the Ukrainians handle it? And we managed those issues.
8 Secretary Mattis was very much in favor. And they met -- I
9 did not meet with the President about this -- but they met
10 with the President and the President approved it.
11 Q And how soon into 2017 did that assistance start
12 flowing?
13 A Well, flowing, probably late 2017-early 2018.
14 Decisionmaking about this really -- I started in July, and I
15 think we had the decisionmaking beginning around September
16 and then finalized a little bit later in the autumn.
17 Q And all along, the officials in the Ukraine knew
18 that you were advocating for it?
19 A Absolutely. I was very public about it.
20 Q And could you characterize the assistance that was
21 provided to Ukraine prior to that a little bit more than you
22 have? You said about nonlethal assistance, MREs?
23 A Yeah. I mean, that's the pejorative. I mean, I'm
24 sure there were other things, like night vision goggles,
25 scopes for rifles, counter-battery radars. So, if you're

1 being fired on with mortar or artillery, you can calibrate
2 where that's coming from better with a counter-battery radar,
3 and that enables you to then fire back more accurately.
4 So we weren't giving them the weapon to fire back, but
5 we were giving them the radar. So these are the sorts of
6 things that were being finessed by the Pentagon before we
7 changed the policy. And then said, no, we're going to
8 provide genuine lethal defensive arms, anti-tank missiles,
9 anti-sniper systems, and so forth.
10 Q And has the lethal defensive arms that have been
11 provided to date, has that been helpful?
12 A It has been extremely helpful.
13 Q And there has been a material -- you know, you can
14 see materially that this is helping the country of Ukraine?
15 A Absolutely.
16 Q And stoking Russian aggression -- or preventing
17 Russian aggression?
18 A Deterring further Russian incursions into Ukraine.
19 Q So it has been successful?
20 A Yes. Let me -- deterring further Russian
21 incursions into Ukraine on land. They did attack the
22 Ukrainian Navy and seize a bunch of sailors. We have not
23 done as much in the naval and coastal defense area as we have
24 on ground.
25 Q Turning back to President Trump's skepticism of

1 Ukraine and the corruption there, do you think you made any
2 inroads in convincing him that Zelensky was a good partner?
3 A I do. I do. I attended the President's meeting
4 with President Zelensky in New York on, I guess it was the
5 25th of September. And I could see the body language and the
6 chemistry between them was positive, and I felt that this is
7 what we needed all along.
8 Q And there's been some controversy about the
9 curtailment of the prior Ambassador's term?
10 A Yes.
11 Q Ambassador Yovanovitch?
12 A Yes.
13 Q And the facts leading up to her being brought home.
14 How early was she brought home, do you know?
15 A I believe it was about 3 weeks prior to what the
16 opening of the normal Foreign Service transfer season would
17 be.
18 Q Okay. And granted that the facts relating to her
19 being brought home early, it may be subject to debate, but if
20 the President genuinely believed that Ambassador Yovanovitch
21 was not on his team, if Ambassador Yovanovitch wasn't fully
22 committed to the Trump administration, is it fair, in your
23 view, if the President believed that, to make the decision
24 that he did?
25 A Well, without commenting on the merits of it, it is

1 absolutely the right of the President to determine who his
2 Ambassadors are in the world. That is a Presidential
3 nomination, a Senate confirmation, and the President has the
4 right to recall anyone at any time that he wants.
5 Q The recall of the Ambassador has provoked some I'd
6 even say emotion on the part of her allies. Would you agree
7 with that?
8 A I would agree that she feels that it was improper
9 and that she should not have been removed early, and there
10 has been an emotional response to that. Yes, I agree with
11 that.
12 Q The fact that she was brought home early, whether
13 it's 3 weeks or whether that 3 weeks could be characterized
14 as, yeah, actually, she would get to stay longer, do you
15 think the extreme emotion around her being brought home is
16 fair for her and her allies?
17 A Well, it impugns her character and credibility. It
18 makes it look like she was doing something wrong. And I
19 think that's unfortunate for her because she is a
20 professional. She's hardworking. She did a good job in
21 Ukraine. And I think it is unfair to her to have that
22 reputational damage or that image created as a result.
23 Q I mean, there was one allegation, not that I'm
24 trying to lend credibility to it, but there is, you know, one
25 allegation that she was speaking negatively about President

1 Trump in foreign relations circles?
2 A Yes, that is an allegation, and it was an
3 allegation that made its way into media in the U.S. A I know
4 that that -- well, let me say it this way. I don't know.
5 President Trump would understandably be concerned if that was
6 true because you want to have trust and confidence in your
7 Ambassadors.
8 Q Do you know whether Ambassador Yovanovitch was
9 maligning the President?
10 A I don't know. I have known her for 31 years. We
11 served together in 1988 the first time. And I have always
12 known her to be upstanding, high integrity, capable, honest,
13 and professional in the way she carries out her duties.
14 Q So you never heard her besmirch the President?
15 A No.
16 Q Did you hear secondhand from anyone that you trust
17 that perhaps that she did besmirch the President?
18 A No, no. It's only this public narrative that I
19 saw.
20 Q And given her sophistication -- she's a
21 sophisticated career Foreign Service diplomat, right?
22 A She is.
23 Q She's familiar with -- she's also sophisticated to
24 know about the U.S. political system currently?
25 A Uh-huh.

1 Q I mean, is it fair to say that -- I guess part of
2 the trouble that some of my Republican colleagues are having
3 with the emotion connected to her recall is, granted,
4 anything that besmirches your character and integrity,
5 anybody would be upset about that, to a degree a little bit
6 emotional.
7 But the degree to which -- you know, in this
8 environment, if the President for whatever reason, true or
9 untrue, develops a feeling that he's got an Ambassador that
10 isn't loyal to him, he's going to bring them home, correct?
11 A It's the President's right to do that.
12 Q And so the question is, okay, look, you know, is
13 this as big of a deal as everybody is making it out to be?
14 A I think you can look at it as a matter of the
15 President's prerogatives as President, and it's
16 unquestionable. This is his right, as the President, to
17 choose his Ambassadors.
18 If you look at it from the perspective of a capable
19 career diplomat who then suffers some damage to her
20 reputation or career or perceptions about her, that is
21 unfortunate. And I think you can see both of those at the
22 same time.
23 Q There have been allegations that, from time to
24 time, not just on one occasion, that officials from the
25 Embassy in Ukraine, whether it be Ambassador Yovanovitch or

1 Ambassador Pyatt, communicated to the prosecutors general in
2 Ukraine, both Shokin and Lutsenko at various points in time,
3 that there were certain entities or individuals that should
4 not be prosecuted. Are you aware of that allegation?
5 A I've heard of that allegation.
6 Q And do you have any firsthand knowledge of
7 communications to that effect?
8 A I have no firsthand knowledge of anything like
9 that.
10 Q Okay. And there's a question of whether or not a
11 list was given by Ambassador Yovanovitch.
12 A I've seen that allegation as well, and I believe
13 the State Department put out a statement addressing that. I
14 don't recall exactly how it was addressed, but --
15 Q There certainly are facts on both sides, and there
16 are -- like I said, this is one of those allegations that
17 provokes great emotion. But Lutsenko has said that there was
18 a list of, you know, entities not to prosecute. And you're
19 aware of that?
20 A He said that. And this is the same prosecutor
21 general who I described earlier as saying things that I
22 believed were intended to be self-serving.
23 Q And Shokin I think at various points in time has
24 alleged that he was encouraged not to investigate Burisma.
25 A Well, this -- there's more of a record on that,

1 where it was a matter of U.S. policy to investigate
2 corruption in Ukraine, disappointment with him in not doing
3 that, and then a push to remove him for those reasons.
4 Q And you're not aware, you don't have any firsthand
5 knowledge of anybody, whether it be Ambassador Yovanovitch or
6 her predecessor, Ambassador Pyatt, ever communicating a list,
7 whether it's orally --
8 A No. I have no knowledge of that.
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1 [11:45 a.m.]

2 BY MR. CASTOR:

3 Q So to the extent when that has been reported, given

4 your knowledge of the area, your impression of that

5 allegation is it's not --

6 A Yeah. My impression of that allegation is that

7 it's made up.

8 Q Have you ever had any communications with

9 Ambassador Yovanovitch about that allegation?

10 A No. Actually, I haven't.

11 Q Anybody else that might have, you know, firsthand

12 knowledge of --

13 A I did communicate about it with George Kent, who

14 was the deputy chief of mission at the time and is now the

15 deputy assistant secretary of state, and he's the one that

16 took the lead in putting together a response for the State

17 Department about it.

18 Q Have you ever been in any official meetings with

19 Ambassador Yovanovitch and Lutsenko?

20 A Not at the same time. I met with President

21 Poroshenko once. I believe it -- well, I met with President

22 Poroshenko many times. On one occasion when I met with him,

23 he brought Prosecutor General Lutsenko to the meeting so I

24 could meet with him. We shook hands. We spoke for

25 5 minutes, maybe. I was -- that was just me with President

1 Poroshenko.
2 I don't remember how many meetings I had with him, but
3 possibly, you know, 10, 12, something like that.
4 Ambassador Yovanovitch, we interacted quite regularly,
5 just as you see with Bill Taylor here. When she was
6 ambassador, we interacted quite a lot. And when I visited
7 Ukraine, for the most part, we were in all our meetings
8 together. There were a few when she was not there.
9 Q Did you ever speak with any, you know, U.S.
10 official in the Embassy about the origins of this allegation?
11 A The allegation of there being a list?
12 Q Yes.
13 A Not really, no.
14 Q Okay. So do you think it was treated seriously or
15 was it just thought, oh, this is Lutsenko talking out of
16 school?
17 A Oh, I think -- again, I'd have to refer back to the
18 statement that the State Department put out addressing this,
19 because I think that was actually put together -- researched
20 and put together. I don't think it was handled lightly.
21 Q There's another allegation that Lutsenko's visa was
22 denied, he wanted to come to the U.S. and he had his visa
23 denied. Are you aware of that allegation?
24 A Not aware of that, no.
25 Q How would -- if Lutsenko wanted to come to the

1 United States, how would that visa ordinarily be processed?
2 A Right. Normally an applicant for a visa will go to
3 the U.S. Embassy. They'll fill in the application. The
4 Embassy will send that back to Washington. An interagency
5 review process takes place pretty quickly. Normally it's
6 purely electronic.
7 If a name is flagged for any reason, then it triggers a
8 review by people, and then they make a decision as to whether
9 to approve a visa or not.
10 Q So you have no knowledge of whether Lutsenko had a
11 visa denied?
12 A I have no idea.
13 Q Have you seen it reported in the press?
14 A No, I haven't, actually.
15 Q If it was denied, would there be another mechanism
16 for Lutsenko to get a second crack at it?
17 A If someone applies for a visa and the visa is
18 denied, then you can apply for a waiver of the denial,
19 depending on what the denial is.
20 And I used to do this when I was a visa officer in
21 London. I was -- I was the -- I don't know what you would
22 call it -- the waiver officer. And they submit an
23 explanation, a petition, to have a waiver of the denial.
24 You send that back to Washington with a recommendation.
25 The interagency community in Washington vets it, gives you an

1 answer. You convey that answer to the applicant.
2 Q You know, if Lutsenko really wanted to come, you
3 know, his visa was denied, would he have been able to have
4 other Ukrainian officials go to bat for him with the
5 U.S. Embassy in Ukraine?
6 A I don't know any of the circumstances of this.
7 Q Okay. You mentioned this morning that in advance
8 of your coming in for the interview nobody at the State
9 Department told you, you couldn't come. Is that correct?
10 A That is correct.
11 Q And while there was a letter from Pompeo and -- the
12 State Department has concerns about their diplomatic --
13 A Yeah.
14 Q -- interests and information?
15 A Yeah. Let me -- they do. And let me say on that,
16 I read Secretary Pompeo's letter. I think he made a few good
17 points. One of them is the importance of protecting members
18 of our Foreign Service. I agree with that.
19 Another is that it is difficult to put together
20 information of the right quality for a committee like this in
21 such a short period of time.
22 So I think those are fair things.
23 And I noticed even in the long form written testimony
24 that I prepared for you, I already noticed this morning I got
25 three dates wrong. So we'll correct those in what we give

1 you.

2 And there's probably more that the State Department has

3 that I have not had a chance to review, because I'm only

4 going based on what my personal recollections and knowledge

5 and what I can find from reviewing these text messages, and

6 so there's probably more that would be in the State

7 Department official reporting that I've not had a chance to

8 review.

9 Q Other than the letter that we talked about from the

10 Secretary and then there was a letter last night from Marik

11 String to your lawyer, that's the extent of any

12 communications you've had from the State Department? If

13 we're trying to look at the whole record --

14 A Yes.

15 Q -- and the State Department's activities trying to

16 block your testimony, that's --

17 A Yeah. So I had a conversation with the acting

18 legal adviser, Marik String, on the Tuesday of this week,

19 which had to have been the 1st of October. I saw -- I had

20 prior conversations with him, but those prior conversations

21 were not at a point where it would -- I had resigned and

22 was -- clearly was going to testify.

23 It was only the 27th -- 27th of September is when I

24 resigned, and then -- and that is a date when I spoke with

25 Marik String. I may have called him over the weekend as

1 well, and then October 1st.

2 In none of these conversations did he say I am

3 instructed not to testify. In my conversation with Secretary

4 Pompeo, he did not say that either.

5 I read the letter. The letter does not say, don't do

6 it, and there was no formal instruction.

7 There was a concern expressed in this letter that was

8 sent to my attorney last night about protection of classified

9 material. As was asked earlier, I believe all of the

10 information that is contained in these things that I'm

11 discussing is unclassified. I was communicating on

12 unclassified devices, I was doing it with people, there's no

13 intelligence, there's no deep national security information.

14 There are a couple of conversations I would categorize

15 as sensitive, but I would not characterize any of those as

16 classified. And that is, however, one of the things that was

17 communicated in that letter from Marik String.

18 Q Nobody from the White House told you not to

19 cooperate?

20 A No. No. I had a conversation with White House

21 Counsel lawyers soon after the -- not the subpoena -- when

22 the request for transcribed testimony came in, and I had a

23 conversation with White House Counsel.

24 Q But nobody told you not to cooperate with Congress?

25 A No, no. They -- that was a fact-finding phone

1 call --

2 Q Okay.

3 A -- to find out what do I know about anything.

4 [Discussion off the record.]

5 MR. VOLKER: Yes. Thank you.

6 As a matter of completeness, the State Department acting

7 legal adviser did call my attorney yesterday. Again, there

8 was no request to have me not testify.

9 BY MR. CASTOR:

10 Q Okay. And to your knowledge, you didn't see any

11 State Department lawyers or White House lawyers outside to

12 try to prevent you from joining us here today?

13 A No, no.

14 Q In the whistleblower complaint, there's a reference

15 to you.

16 A Yes.

17 Q I'm sure you're aware of that.

18 A I believe there's two.

19 Q So maybe we could just get you to talk about your

20 reaction when you saw your name --

21 A Yeah.

22 Q -- thrust into this document.

23 A Yeah. I thought that it was a fairly accurate

24 characterization. He got some facts wrong, but I thought

25 that trying to do damage limitation -- I wouldn't have used

1 the word "damage limitation," but I under -- I kind of get
2 what he's talking about.
3 This is what I am referring to when I say make sure that
4 there's a -- there's not a negative narrative about Ukraine
5 that's reaching the President from other means, that we get
6 one story straight.
7 And then secondly, helping the Ukrainians "navigate,"
8 was the word that he used, "requests," I believe he said from
9 the President, if I'm not mistaken. There are some mistakes
10 in this.
11 Helping Ukrainians navigate, I would say that's
12 accurate, but navigate what? Navigate how to provide
13 convincing presentation of themselves as being the new team
14 that is committed to fighting corruption, that is committed
15 to reform, and avoiding things that would drag them into U.S.
16 domestic politics or anything relating to 2020, just helping
17 them and coaching them, "Don't go there."
18 Q Right.
19 A So helping them navigate in that sense.
20 I -- the whistleblower report says that I was dispatched
21 to Ukraine after the President's phone call to meet with
22 President Zelensky to talk about it. That's not accurate.
23 I was planning a visit to Ukraine to fall after the 21st
24 of July, which is when the parliamentary election was. I did
25 not want to show up in Ukraine during an election campaign,

1 because all they do is ask you, do you like this candidate,
2 do you like that candidate, did you talk to these -- so I
3 just avoid going during election seasons.
4 So I wanted to go after that, and I wanted particularly
5 to go to the conflict zone, which I tried to do every year,
6 as a way of highlighting that Russia is still here killing
7 people. And I did that.
8 So in setting that trip up, we arranged it to be around
9 the 25th, 26th of July. I left Washington on the 23rd of
10 July, and en route I learned that the proposed phone call,
11 congratulatory phone call from President Trump to President
12 Zelensky, was then starting to be scheduled. I didn't know
13 whether or when it would take place.
14 It turns out that it took place on the 25th of July,
15 which was the day I was in Kyiv already having meetings.
16 The next day is when my meeting with President Zelensky
17 was scheduled, and then after that meeting, we went out to
18 eastern Ukraine to the conflict zone.
19 Q So you're in Ukraine when the call happens. You
20 weren't on the call?
21 A Correct.
22 Q You get a readout from the call?
23 A I got an oral readout from the staffer who works
24 for me in the State Department and our Charge, as well as
25 from Andriy Yermak, who had been on the call in Ukraine

1 himself.
2 Q So you got two readouts?
3 A Yeah.
4 Q One from each side?
5 A Correct.
6 Q What was the top line message you got from the
7 State Department?
8 A Well, they were the same, actually, which is
9 interesting. But the message was congratulations from the
10 President to President Zelensky; President Zelensky
11 reiterating that he is committed to fighting corruption and
12 reform in the Ukraine; and President Trump reiterating an
13 invitation for President Zelensky to visit him at the White
14 House. That was it.
15 Q When it subsequently came out the President was
16 talking about investigating Burisma and the facts relating to
17 the 2016 election, did that surprise you?
18 A Yes, it did.
19 Q Okay. But that was not related to you in any of
20 the readouts?
21 A No, it wasn't.
22 Q Okay. So if there's a top line message coming from
23 the Ukrainians, it didn't involve that?
24 A That's correct.
25 Q The top line message coming from your people at the

1 State Department, the people that you work with, it wasn't in
2 that?
3 A That is correct.
4 Q I'm running out of time, so I'll wrap up. And we
5 like to be real strict with our 1 hour, so I will literally
6 try to stop in the middle of a sentence at my hour, because
7 we don't want to abuse the process.
8 Your text messages with Rudy Giuliani, you know,
9 evidence that you were carrying on somewhat regular
10 communications with Rudy Giuliani, right?
11 A Yes, for a period of time, from -- I had some
12 initial contact when I heard that he was going to visit
13 Ukraine in mid-May. He cancelled that visit, and that kind
14 of dropped off.
15 And then in July, I was starting to see that there's a
16 problem here, that we're -- we're not -- how do I want to put
17 that?
18 We saw in text messages that we discussed earlier, on
19 July 10th, Giuliani apparently had been in touch with
20 Lutsenko. And in my view, that's the wrong person to be
21 talking to in Ukraine.
22 And so I could see we have a problem of this negative
23 feed, coming possibly from Lutsenko through Rudy Giuliani,
24 reinforcing a negative perception of the President, possibly.
25 So I resumed contact with Rudy, saying, can we get

1 together and can we try to get this in the box?
2 MR. CASTOR: Okay. I've been advised Congressman Zeldin
3 had a brief question. I want to defer to him.
4 MR. ZELDIN: Ambassador Volker, Lee Zeldin from New York
5 1. Thank you for being here. Just a few quick followups.
6 When do you learn that you were referenced in the
7 whistleblower report?
8 MR. VOLKER: When it came out publicly.
9 MR. ZELDIN: Have you had any contact with the
10 whistleblower?
11 MR. VOLKER: I don't know who the whistleblower is.
12 MR. ZELDIN: With regards to Burisma, are you aware of
13 what specific role Hunter Biden had with the company?
14 MR. VOLKER: I was vaguely aware, meaning I had heard in
15 early 2019 that he was on the board of Burisma. I didn't
16 know much more about the company or the details than that --
17 other than that it had a bad reputation, which is probably
18 why they wanted him on the board.
19 MR. ZELDIN: Do you know when Hunter Biden became a
20 board member of Burisma?
21 MR. VOLKER: I don't.
22 MR. ZELDIN: Do you know why Hunter Biden joined
23 Burisma?
24 MR. VOLKER: I don't know why.
25 MR. ZELDIN: Have you had any communications with Hunter

1 Biden?

2 MR. VOLKER: No, I have not.

3 MR. ZELDIN: Do you know if Hunter Biden had any

4 business expertise related to the Ukrainian energy industry?

5 MR. VOLKER: I don't know Hunter Biden and I don't know

6 what expertise he has.

7 MR. ZELDIN: Do you have any thought as to why he would

8 have been hired by Burisma?

9 MR. VOLKER: My suspicion is that Burisma, having had a

10 very bad reputation as a company for corruption and money

11 laundering, was looking to spruce up its image by having, you

12 know, prominent-named people on its board.

13 MR. ZELDIN: Do you know if Viktor Shokin was

14 investigating Burisma at the time he was removed as

15 prosecutor?

16 MR. VOLKER: I don't know.

17 MR. ZELDIN: Do you know what has happened with the

18 Burisma investigation since --

19 MR. VOLKER: I don't.

20 MR. ZELDIN: -- Mr. Shokin was --

21 MR. VOLKER: I don't.

22 MR. ZELDIN: Do you know who Christopher Heinz is?

23 MR. VOLKER: I'm sorry. Christopher?

24 MR. ZELDIN: Heinz.

25 MR. VOLKER: Heinz. Chris Heinz. That name rings a

1 bell, but I can't place it.

2 MR. ZELDIN: Christopher Heinz is the stepson of then

3 Secretary of State John Kerry, co-owned --

4 MR. VOLKER: I -- yes.

5 MR. ZELDIN: -- Rosemont Seneca Partners with Hunter

6 Biden.

7 MR. VOLKER: Yes. I heard -- that's where I heard the

8 name, yes, in a press report.

9 MR. ZELDIN: Are you familiar with the name Devon Archer

10 (ph)?

11 MR. VOLKER: I'm not, no.

12 MR. ZELDIN: Do you know Matt Sommers (ph) or David Wade

13 (ph)?

14 MR. VOLKER: No, I don't.

15 MR. ZELDIN: Can you speak to the loan guarantee treaty

16 that we have between our countries and the mutual legal

17 assistance in criminal matters?

18 MR. VOLKER: I don't know the specifics of these

19 concerning Ukraine. I know generally what they are as

20 matters of treaties.

21 MR. ZELDIN: Are you -- you are aware, though, that

22 there's a mutual legal assistance treaty between the U.S. and

23 Ukraine?

24 MR. VOLKER: I believe there is, yes.

25 MR. ZELDIN: Are you able to talk through whether or not

1 requests for documents or evidence in criminal matters for
2 anticorruption efforts have been made before under this
3 treaty?
4 MR. VOLKER: I'm not, no.
5 MR. ZELDIN: You are familiar with the loan guarantee
6 treaty with Ukraine?
7 MR. VOLKER: I'm not, no.
8 MR. ZELDIN: In the interests of time, I'll stop there
9 before opening up a new line of questions. Thank you.
10 MR. VOLKER: Thank you, Congressman.
11 MR. CASTOR: I think we're good to take a break. We
12 very much appreciate your continuing. These interviews tend
13 to take a while.
14 MR. VOLKER: Of course. I understand.
15 MR. CASTOR: So we appreciate your indulgence.
16 MR. VOLKER: Thank you very much.
17 THE CHAIRMAN: Break for another 5 minutes and then we
18 will resume.
19 [Recess.]
20 THE CHAIRMAN: Okay. The interview will come back to
21 order.
22 I want to ask a few followup questions before I pass it
23 back to staff.
24 THE CHAIRMAN: Ambassador, we've been discussing the
25 events, in many respects, as if the call between the

President and President Zelensky never happened.

I realize you weren't on the call, but we now know what was said on that call, and I think we need to evaluate what you witnessed in the context of a call that we now know the details of. So let me present you with a record of the call. It's been marked as Exhibit 4.

[Volker Exhibit No. 4
Was marked for identification.]

THE CHAIRMAN: If you could turn to page 4 of the call record. And in the top paragraph, if you could read the line beginning with, "The other thing," the rest of the paragraph beginning with, "The other thing."

MR. VOLKER: Would you like me to read it?

THE CHAIRMAN: Yes, please.

MR. VOLKER: The other thing, there's a lot of talk about Biden's son, that Biden stopped the prosecution, and a lot of people want to find out about that. So whatever you can do with the attorney general would be great. Biden went around bragging that he stopped the prosecution, so if you can look into it. It sounds horrible to me.

Keep going?

THE CHAIRMAN: No. That's fine.

So the President's request here is that President Zelensky look into allegations concerning Joe Biden and his son. Am I right?

1 MR. VOLKER: Yes. Insofar as I'm reading it, yes,
2 you're right, but it's specifically about stopping this
3 prosecution, which I think is the conversation with Shokin
4 that Vice President Biden would have had at that time. I
5 think --
6 THE CHAIRMAN: So that as you read it, the focus is on
7 Joe Biden here?
8 MR. VOLKER: Yes.
9 THE CHAIRMAN: Now, the President doesn't mention here
10 Burisma.
11 MR. VOLKER: Oh, that's a very good point, Congressman.
12 I'm sorry.
13 It refers to Biden, it says: There's a lot of talk
14 about Biden's son -- and then it says -- that Biden stopped
15 the prosecution.
16 And I interpreted that immediately as the first one
17 being the son and the second one being Joe Biden, but you
18 could read it as both being the son. But I interpreted it --
19 THE CHAIRMAN: Ambassador, the President here is asking
20 his counterpart, the President of Ukraine, to look into "talk
21 about Biden's son," and then it says that "Biden stopped the
22 prosecution."
23 MR. VOLKER: Yes.
24 THE CHAIRMAN: That's referring to Joe Biden, right?
25 MR. VOLKER: That's what I understand, too.

1 THE CHAIRMAN: So I'm correct that --
2 MR. VOLKER: Yes.
3 THE CHAIRMAN: -- here the President is asking his
4 counterpart to look into, investigate Joe Biden and his son
5 and these allegations?
6 MR. VOLKER: Yes.
7 THE CHAIRMAN: The President doesn't mention Burisma
8 here, right?
9 MR. VOLKER: Correct.
10 THE CHAIRMAN: He's talking about the Bidens.
11 MR. VOLKER: Correct.
12 THE CHAIRMAN: Correct?
13 MR. VOLKER: Yes.
14 THE CHAIRMAN: This isn't some generic interest in
15 energy companies or one particular company. The President's
16 interest as expressed here is in Joe Biden and his son.
17 MR. VOLKER: Yes.
18 THE CHAIRMAN: This is the context in which you would
19 later discuss the statement that Andriy Yermak was proposing
20 to get a meeting with the President for his boss,
21 Mr. Zelensky, correct?
22 MR. VOLKER: Yes. Except that I didn't know that this
23 was the context at the time.
24 THE CHAIRMAN: No, I realize you didn't know that,
25 but Andriy Yermak would know that, wouldn't he?

1 MR. VOLKER: He would have been on this phone call.
2 THE CHAIRMAN: Okay. So Andriy Yermak knows that the
3 President of the United States wants Joe Biden and his son
4 investigated and that the President thus far has not been
5 willing to commit to a date for a meeting.
6 MR. VOLKER: Yes.
7 THE CHAIRMAN: Correct?
8 MR. VOLKER: Yes.
9 THE CHAIRMAN: And the meeting is very important to
10 Zelensky to establish his credibility back home and because
11 of the key relationship between the U.S. and Ukraine?
12 MR. VOLKER: That is correct.
13 THE CHAIRMAN: A key relationship in which they are
14 dependent on the United States for military support, economic
15 support, diplomatic support, and every other way?
16 MR. VOLKER: Yes.
17 THE CHAIRMAN: So this meeting is really important to
18 them?
19 MR. VOLKER: Yes.
20 THE CHAIRMAN: And some time after this call, Rudy
21 Giuliani goes to Madrid to meet with Andriy Yermak. Do I
22 have the chronology right?
23 MR. VOLKER: Yes. That took place on August 2nd.
24 THE CHAIRMAN: So after the President-to-President call.
25 MR. VOLKER: Yes.

1 THE CHAIRMAN: And so after that meeting, Yermak
2 proposes to include in this statement to get the meeting a
3 mention of Burisma?
4 MR. VOLKER: No. Andriy Yermak sent me a draft
5 statement that did not include that. And I discussed that
6 statement with Gordon Sondland and with Rudy Giuliani to
7 see -- in my -- not knowing this, is this going to be
8 helpful, will this help convey a sense of commitment of
9 Ukraine to fighting corruption, et cetera.
10 And in that conversation it was Mr. Giuliani who said:
11 If it doesn't say Burisma and 2016, it's not credible,
12 because what are they hiding?
13 I then discussed that with Mr. Yermak after that
14 conversation, and he did not want to include Burisma and
15 2016, and I agreed with him.
16 THE CHAIRMAN: So let me ask you about then, Giuliani
17 said that unless there was a mention of Burisma, the
18 statement wouldn't be credible, that is, it wouldn't be
19 helpful in getting the meeting?
20 MR. VOLKER: That it -- well, what I interpreted that to
21 mean, which I thought at the time, is that it doesn't convey
22 a sense this Ukraine, this leader, this leadership in Ukraine
23 being any different than the past.
24 THE CHAIRMAN: Well, you say that what you believed at
25 the time, but at the time, you didn't know that the President

1 had made a specific ask of his counterpart --

2 MR. VOLKER: That's right.

3 THE CHAIRMAN: -- a specific ask that Yermak would have

4 been aware of, that Zelensky have the prosecutors investigate

5 the Bidens, right?

6 MR. VOLKER: That's correct.

7 THE CHAIRMAN: So now you do know that and now you can

8 put in context what Giuliani was saying, because Giuliani was

9 saying: Without a mention of Burisma, this statement won't

10 be credible; that is, it won't help get the meeting. Am I

11 right?

12 MR. VOLKER: He said -- he said that it needs to mention

13 Burisma and 2016, and if it doesn't do that, it's not

14 credible in terms of being a convincing statement that this

15 Ukrainian Government is serious about finding out what

16 happened in the past, cleaning it up.

17 THE CHAIRMAN: This is what Giuliani represented to you.

18 MR. VOLKER: Yes.

19 THE CHAIRMAN: But you didn't know about the

20 Presidential call at that point?

21 MR. VOLKER: That's exactly right.

22 THE CHAIRMAN: Now, since the President never mentions

23 Burisma, it's fair to say that in Giuliani's mind -- and you

24 didn't know this at the time, I think you're testifying -- in

25 Giuliani's mind, Burisma is synonymous with the President's

1 ask during this call to investigate the Bidens?
2 MR. VOLKER: I can't speak to what was in his mind, but
3 it makes --
4 THE CHAIRMAN: We don't need to be --
5 MR. VOLKER: Yeah.
6 THE CHAIRMAN: -- naive here, right?
7 MR. VOLKER: Right.
8 THE CHAIRMAN: Rudy Giuliani doesn't have an interest in
9 other companies for the sake of other companies in Ukraine,
10 right? He was interested in Burisma because he thought it
11 reflected ill on the Bidens and would be helpful to his
12 client. Am I right?
13 MR. VOLKER: I can't speak to that. I can only testify
14 to what I know. So I can't speak to that, but I understand
15 what you're saying.
16 THE CHAIRMAN: Well, Rudy Giuliani was not representing
17 the State Department, right? You made that clear.
18 MR. VOLKER: That is correct.
19 THE CHAIRMAN: But he was representing the President.
20 MR. VOLKER: He is the President's personal attorney. I
21 don't know whether he was representing the President or
22 whether he was doing his own things to try to be helpful to
23 the President.
24 THE CHAIRMAN: Well, he's the President's agent, is he
25 not?

1 MR. VOLKER: I did not make a judgment about that.
2 THE CHAIRMAN: Well, you understood, didn't you,
3 Ambassador --
4 MR. VOLKER: I understood that he communicates with the
5 President.
6 THE CHAIRMAN: You understood that the Ukrainians
7 recognized that Rudy Giuliani represented the President, that
8 he was the agent of the President, that he was a direct
9 channel to the President. Ukrainian officials you were
10 dealing with would have understood that, would they not?
11 MR. VOLKER: I would not say that they thought of him as
12 an agent, but that he was a way of communicating, that you
13 could get something to Giuliani and he would be someone who
14 would be talking to the President anyway, so it would flow
15 information that way.
16 THE CHAIRMAN: So this was someone who had the
17 President's ear?
18 MR. VOLKER: Yes. That's fair.
19 THE CHAIRMAN: And that was, at least in title, the
20 attorney for the President?
21 MR. VOLKER: Yes.
22 THE CHAIRMAN: And so when Mr. Giuliani said that
23 without mentioning Burisma the statement wouldn't be
24 credible, they would have understood that he was
25 communicating for the President?

1 MR. VOLKER: I'm not so sure about that, because I don't
2 know whether -- I was not part of the discussion that they
3 had in Madrid. I don't know whether Mr. Giuliani represented
4 himself as speaking for the President. I don't know any of
5 that.
6 I do know from the Ukrainians that they viewed him as
7 someone who communicated with the President and, therefore,
8 they wanted to tell their story to him.
9 THE CHAIRMAN: So you acknowledge that you don't know
10 what was said in private meetings and discussions between
11 Mr. Giuliani and Ukrainian officials?
12 MR. VOLKER: That's correct.
13 THE CHAIRMAN: And if Giuliani was communicating with
14 them that in order to get a meeting with the President, they
15 were going to have to be very specific about looking into the
16 Bidens, you would not have been privy to that?
17 MR. VOLKER: That's correct.
18 THE CHAIRMAN: But they would have understood that
19 Giuliani was Trump's agent, he wasn't an agent of the State
20 Department?
21 MR. VOLKER: They knew that he was President Trump's
22 personal attorney.
23 THE CHAIRMAN: And so here there's a meeting that's
24 being held up for whatever reason, and we now know the
25 President was asking for an investigation into the Bidens,

1 and Rudy Giuliani is saying that in order to get this meeting
2 there has to be a mention of Burisma, correct?
3 MR. VOLKER: He's saying that the statement, in order to
4 be credible, needs to mention Burisma and 2016.
5 THE CHAIRMAN: Now, the --
6 MR. VOLKER: It's less clearly linked to that that would
7 break free the scheduling of a meeting. I don't think
8 Mr. Giuliani ever -- ever suggested that he's in a position
9 to do that.
10 THE CHAIRMAN: Because there's no indication from the
11 call record of any interest by the President in Burisma, but
12 there is an interest of the President in the Bidens. Isn't
13 it fair to say that when Rudy Giuliani uses the term
14 "Burisma," it's really code for Biden?
15 MR. VOLKER: I think that is something I was aware of at
16 the time, that there's a linkage between Joe Biden's son and
17 Burisma, but Burisma stands on its own as a company that is
18 an issue of longstanding, and so --
19 THE CHAIRMAN: Well, maybe in your mind, but the
20 President never mentions --
21 MR. VOLKER: No, he doesn't.
22 THE CHAIRMAN: -- Burisma.
23 MR. VOLKER: And so I think in -- Congressman, what I
24 hear you suggesting, if I understand correctly, is Rudy
25 Giuliani seeing these as synonymous.

1 THE CHAIRMAN: Yes.

2 MR. VOLKER: And I'm saying that I can see how that

3 would be the case.

4 What I was trying to do was understand, you know, what

5 is the request to investigate Burisma. Is it reasonable for

6 the Ukrainians to do that or not, to say that they would do

7 so. I didn't know the context of all of this at the time.

8 And in talking with the Ukrainians and conveying that

9 that was what Rudy Giuliani had said, it should mention

10 Burisma and 2016, they expressed discomfort with that, and I

11 agreed with that and said I don't think you should do it.

12 THE CHAIRMAN: And why would -- why did they and how did

13 they express discomfort with --

14 MR. VOLKER: Yeah. There were a few --

15 THE CHAIRMAN: -- looking into Burisma?

16 MR. VOLKER: There were a few reasons given. One of

17 them was that the prosecutor general in place at the time was

18 not, quote, unquote, their prosecutor general, it was the

19 carryover from the previous government, Lutsenko. So they

20 didn't trust him and they didn't want to put anything out

21 suggesting investigations that would either get him engaged,

22 or that he would then try to obstruct or thwart somehow.

23 That was one reason.

24 Another is they didn't want to mention a specific

25 company, period. Just as a matter of prudence, you don't

1 mention a particular company.

2 And then another was, what they expressed -- I put less

3 credibility into this explanation -- but they expressed a

4 fear that the current prosecutor general would destroy any

5 evidence that might exist from previous investigations.

6 THE CHAIRMAN: Wasn't there also a concern, Ambassador,

7 with not being used to investigate a political candidate in

8 the 2020 election?

9 MR. VOLKER: I think the way they put it was they don't

10 want to be seen as a factor or a football in American

11 domestic politics.

12 THE CHAIRMAN: They didn't want to be drawn into --

13 MR. VOLKER: Yes.

14 THE CHAIRMAN: -- helping the President's campaign?

15 MR. VOLKER: The campaign was not mentioned. 2020 was

16 not mentioned.

17 THE CHAIRMAN: Well, we're --

18 MR. VOLKER: But --

19 THE CHAIRMAN: I think we're -- we're toying around the

20 edges here.

21 MR. VOLKER: But --

22 THE CHAIRMAN: They didn't want to be drawn into

23 investigating a Democratic candidate for President, which

24 would mean only peril for Ukraine. Is that fair to say?

25 MR. VOLKER: That may be true. That may be true. They

1 didn't express that to me, and, of course, I didn't know that
2 was the context at the time.
3 THE CHAIRMAN: Part of the other context is vital
4 military support is being withheld from the Ukraine during
5 this period, right?
6 MR. VOLKER: That was not part of the context at the
7 time. At least to my knowledge, they were not aware of that.
8 THE CHAIRMAN: Well, that is, you didn't discuss it with
9 them?
10 MR. VOLKER: I did not. And the first conversation I
11 had was when the diplomatic adviser to President Zelensky,
12 Vadym Prystaiko, I believe it was, texted me a copy of the
13 Politico article about the hold on assistance.
14 So I had had many conversations with him in the months
15 prior to that, and this did not come up from him to me, which
16 makes me believe that this was not on his radar until that
17 time when he saw the article.
18 THE CHAIRMAN: And when did the suspension in aid come
19 to your attention?
20 MR. VOLKER: July 18th.
21 THE CHAIRMAN: So it came to your attention before the
22 President's call with President Zelensky?
23 MR. VOLKER: Yes.
24 THE CHAIRMAN: And you tried to find out the reason for
25 the suspension. I think you said you --

1 MR. VOLKER: Yes.

2 THE CHAIRMAN: -- talked to the State Department, the

3 Defense Department, and no one understood the reasons why the

4 aid was being --

5 MR. VOLKER: Nobody ever gave a reason why. And I

6 gave -- I made those contacts specifically to give reasons

7 why we should not have a hold, that --

8 THE CHAIRMAN: I understand that, but --

9 MR. VOLKER: Yeah.

10 THE CHAIRMAN: -- but with something this serious and

11 bipartisan and significant, there should be an explanation,

12 right?

13 MR. VOLKER: There should have been, but there wasn't.

14 THE CHAIRMAN: You weren't able to find out. Senator

15 McConnell said recently he wasn't able to find out. It was a

16 mystery why it was being withheld.

17 MR. VOLKER: Yes. The only statement made was that

18 there's a review.

19 THE CHAIRMAN: And you would agree, Ambassador, that if

20 the President makes a request of a foreign power that is

21 dependent on the United States for military support, that

22 request is going to carry enormous weight with that foreign

23 leader. Am I right?

24 MR. VOLKER: Yes. And I would even go further and say

25 any request from the President of the United States will be

1 taken very seriously by any foreign country, it is -- that
2 wants to have a friendly relationship with the U.S., and
3 those things are noticed.
4 THE CHAIRMAN: Can we also agree that no President of
5 the United States should ask a foreign leader to help
6 interfere in a U.S. election?
7 MR. VOLKER: I agree with that.
8 THE CHAIRMAN: And that would be particularly egregious
9 if it was done in the context of withholding foreign
10 assistance?
11 MR. VOLKER: We're getting now into, you know, a
12 conflation of these things that I didn't think was actually
13 there.
14 THE CHAIRMAN: Well, you weren't knowledgeable about the
15 request at all at the time, but you are now.
16 MR. VOLKER: Right.
17 THE CHAIRMAN: You would agree, would you, that if it's
18 inappropriate for a President to seek foreign help in a U.S.
19 election, it would be doubly so if a President was doing that
20 at a time when the United States was withholding military
21 support from the country?
22 MR. VOLKER: Yeah, I can't -- I can't really speak to
23 that. My understanding of the security assistance issue
24 is --
25 THE CHAIRMAN: Why can't you speak to that, Ambassador?

1 You're a career diplomat. You can understand the enormous
2 leverage --
3 MR. VOLKER: Well --
4 THE CHAIRMAN: -- can't you, that -- let me finish the
5 question -- the enormous leverage that a President would have
6 while withholding military support from an ally at war with
7 Russia? You can understand just how significant that would
8 be, correct?
9 MR. VOLKER: I can understand that that would be
10 significant.
11 THE CHAIRMAN: And when that suspension of aid became
12 known to that country, to Ukraine, it would be all the more
13 weighty to consider what the President had asked of them,
14 wouldn't it?
15 MR. VOLKER: So, again, Congressman, I don't believe --
16 THE CHAIRMAN: It's a pretty straightforward question.
17 MR. VOLKER: No. But I don't believe the Ukrainians
18 were aware --
19 THE CHAIRMAN: But they --
20 MR. VOLKER: -- that the assistance was being held up.
21 THE CHAIRMAN: They became aware of it.
22 MR. VOLKER: They became aware later, but I don't
23 believe --
24 THE CHAIRMAN: They were --
25 MR. VOLKER: -- they were aware at the time, so there

1 was no leverage implied.

2 THE CHAIRMAN: Well, what I'm asking you is, when they

3 became aware that military assistance was being withheld for

4 a reason you couldn't explain, no one could explain, weren't

5 they under even greater pressure to give the President what

6 he had asked for in that call?

7 MR. VOLKER: The timeline doesn't -- as I understand it,

8 and, again, my understanding here will have been impartial,

9 because I was not privy to a lot of information -- but the

10 timeline about talking with Andriy Yermak about whether there

11 would be a statement or not to convey their commitment to

12 fighting corruption and being a new day in Ukraine was in the

13 middle of August.

14 To my knowledge, the news about a hold on security

15 assistance did not get into Ukrainian Government circles, as

16 indicated to me by the current foreign minister, then

17 diplomatic adviser, until the end of August. And by the time

18 that we had that, we had dropped the idea of even looking at

19 a statement.

20 THE CHAIRMAN: Ambassador, you're making this much more

21 complicated than it has to be.

22 MR. VOLKER: I'm sorry.

23 THE CHAIRMAN: My question is very simple. You would

24 agree that when Ukraine learned that the U.S. was withholding

25 military assistance that it desperately needed, that the

President's request to investigate his opponent carried that much more weight and urgency?

MR. VOLKER: I can't say that. I don't -- I think that the sequence of events goes the other direction, that --

THE CHAIRMAN: Well, at some point, Ambassador, they learned that aid was being withheld, right?

MR. VOLKER: They did.

THE CHAIRMAN: And at the point at which they learned that aid was being withheld, that was after the President had made a request --

MR. VOLKER: That is correct.

THE CHAIRMAN: -- that they investigate the Bidens?

MR. VOLKER: That's correct.

THE CHAIRMAN: So we have the chronology correct.

MR. VOLKER: We have -- we have that.

THE CHAIRMAN: The request is made. And even though the suspension may have occurred earlier, the request is made to investigate the Bidens, and then Ukraine learns, for mysterious reasons, hundreds of millions in military support is being withheld.

Do I have the chronology correct?

MR. VOLKER: Yes.

THE CHAIRMAN: At the point they learned that, wouldn't that give them added urgency to meet the President's request on the Bidens?

MR. VOLKER: I don't know the answer to that. The --

THE CHAIRMAN: Ambassador --

MR. VOLKER: When that -- no --

THE CHAIRMAN: -- as a career diplomat, you can't venture --

MR. VOLKER: But, Congressman, this is why I'm trying to the say the context is different, because at the time they learned that, if we assume it's August 29th, they had just had a visit from the National Security Advisor, John Bolton. That's a high level meeting already.

He was recommending and working on scheduling the visit of President Zelensky to Washington. We were also working on a bilateral meeting to take place in Warsaw on the margins of a commemoration on the beginning of World War II.

And in that context, I think the Ukrainians felt like things are going the right direction, and they had not done anything on -- they had not done anything on an investigation, they had not done anything on a statement, and things were ramping up in terms of their engagement with the administration. So I think they were actually feeling pretty good by then.

THE CHAIRMAN: Ambassador, I find it remarkable as a career diplomat that you have difficulty acknowledging that when Ukraine learned that their aid had been suspended for unknown reasons, that this wouldn't add additional urgency to

1 a request by the President of the United States. I find that
2 remarkable.
3 But let me yield to my colleague here.
4 BY MR. NOBLE:
5 Q So, Ambassador Volker, I want to make sure we get
6 this straight. You're saying that the Ukrainians learned
7 that the aid had been frozen on or about August 29th?
8 A That's what I -- we should check our timeline, but
9 I believe that's when they texted me with this article with,
10 you know, a -- I don't remember exactly how it was phrased,
11 but a question mark saying, What is going on?
12 Q Around that time, did you have any conversation
13 with Ambassador Sondland or with Bill Taylor about the fact
14 that there was a quid pro quo, that security assistance and a
15 White House meeting were being withheld --
16 A I don't --
17 Q -- until -- let me finish the question -- President
18 Zelensky committed to investigating Joe Biden or Burisma, or
19 the origins of the Manafort investigation or the interference
20 with the 2016 U.S. election? Did you have any conversations
21 around that time with your fellow diplomats?
22 A Let me check the record. I believe -- before I
23 answer, let me just double-check.
24 Q Okay. I'll help you.
25 A Yeah. Because I think it's -- I think --

1 Q Can we turn to exhibit 2? It's page 39. And I'll
2 point you to the entry at 9/1/19 at 12:08 p.m. Can you
3 please just read what Bill Taylor wrote?
4 A Yes. Thank you.
5 Are we now saying that security assistance and White
6 House meeting are conditioned on investigations?
7 Q And what did Ambassador Sondland respond?
8 A He said: Call me.
9 Q What conversations did you have with Ambassador
10 Sondland and Bill Taylor around this time about the quid pro
11 quo that the President had devised with President Zelensky
12 that required foreign assistance from the U.S. and a White
13 House visit to be dependent on President Zelensky's
14 commitment to making a public announcement of investigations
15 into Burisma or Joe Biden or Hunter Biden or Paul Manafort
16 and the origins of the interference in the 2016 election?
17 What conversations did you have with your fellow diplomats?
18 A Well, you asked what conversations did I have about
19 that quid pro quo, et cetera. None, because I didn't know
20 that there was a quid pro quo.
21 Q What -- Ambassador, with all due respect, Bill
22 Taylor, your fellow diplomat here, is saying that there is a
23 linkage between those two things.
24 A No, he's asking.
25 Q Okay. And what did you discuss in that regard?

1 A Well, I believe he was asking this based on the
2 Politico article. And I discussed with him that there is no
3 linkage here. I view this as an internal thing, and we are
4 going to get it fixed.
5 There's no chance that -- as the Congressman said as
6 well -- there's no chance, given the broad support for this
7 in Washington, this will not go through. So I and others
8 were communicating to the Ukrainians, We will get this taken
9 care of.
10 Q If we could just back up a little bit. On 8/30/19
11 at 12:14, Bill Taylor wrote: Trip cancelled.
12 A Yes.
13 Q And then he asked the question: Was security
14 assistance and White House meeting being conditioned on
15 investigations?
16 A Yes.
17 Q What trip had been cancelled at that time?
18 A This was the President's trip to Warsaw as part of
19 that World War II commemoration. That was when he cancelled
20 because of the hurricane watch.
21 Q And was President Trump supposed to meet with
22 President Zelensky during that summit?
23 A Yes.
24
25

1 [Volker Exhibit No. 5
2 Was marked for identification.]
3 BY MR. NOBLE:
4 Q I'd like to mark as exhibit 5 page 53 of your text.
5 If you could turn to that.
6 Am I correct that this is a text message exchange with
7 you, Ambassador Sondland, and Bill Taylor again?
8 A It looks it, yes.
9 Q Can you please start reading the fourth line down
10 on September 8th, 2018, 11:20 a.m., what Ambassador Sondland
11 wrote?
12 A Guys, multiple conversations with Zelensky, POTUS.
13 Let's talk.
14 Q POTUS is Trump?
15 A Yes.
16 Q Continue.
17 A Bill Taylor: Now is fine with me.
18 Q What did you say?
19 A Kurt Volker: Try again. Could not hear.
20 Q Please just keep reading.
21 A 14 minutes later, Bill Taylor writes: Gordon and I
22 just spoke. I can brief you if you and Gordon don't connect.
23 Bill Taylor an hour later -- or almost an hour later, 57
24 minutes later: The nightmare is they give the interview and
25 don't get the security assistance. The Russians love it, and

I quit.

Q Okay. Let's just pause there.

What did you understand Bill Taylor to be saying --

A I didn't.

Q -- what this nightmare was?

A Yeah. I didn't. You will see the next text message from me in response to that: I'm not in the loop.

Q Do you know what interview he was referring to?

A I believe this is still the idea of a statement or interview by Zelensky talking about his commitment to fighting corruption and mentioning Burisma and the 2016 election interference.

Q So this is -- and he just said he had just had a conversation with Ambassador Sondland. Is that right?

A Yeah. He said, at 11:40, that he and Gordon had spoken.

Q So during that conversation, is it fair to infer that Bill Taylor and Ambassador Sondland discussed the possibility that Zelensky goes ahead, gives a public interview, releases a public statement saying that the Ukrainians are going to investigate Burisma and the 2016 elections, and then the U.S. and President Trump still don't release the security assistance? Is that right?

A That seems to be what he is asking.

Q And he said the Russians would love that?

A Yes, he did.

Q And then he said he would threaten -- he would quit if that happened?

A He said that.

Q Did you talk to him about this and what his concerns were?

A I --

Q Bill Taylor.

A Yeah. I suspect I did. I don't have any clear indicator here, but it would be normal for me to talk to him.

Q So what is your recollection of the conversation that you had with Bill Taylor regarding this nightmare?

A Well, my -- well, about the nightmare, again, I said there's no linkage here. We are working to get the security assistance lifted. We had a letter from several members of the Senate to OMB pushing to get that lifted, and I was confident that it would.

So one aspect is, don't get too concerned about this. It'll get fixed. I'm confident that it will get fixed.

The other is that, we need you in Ukraine. Like, don't give up. It's important that we have competent professional people staying on the job here.

Q Is it fair to say, though, Bill Taylor was concerned that there was a quid pro quo between President Trump and Zelensky?

A He was saying that there's a nightmare scenario here. They come out and they make a statement like this and then we still don't lift security assistance, and the Russians will see that and that will benefit Russia.

Q And, again, Bill Taylor was threatening that he would resign --

A He did.

Q -- if that were ever to occur?

A Well, he was saying if that nightmare scenario plays out, that he would quit.

Q Okay. Can we jump down to 9/9/19 at 12:31 and read what Bill Taylor wrote?

A Okay.

The message to the Ukrainians -- parenthesis -- (and Russians), we send with the decision on security assistance is key.

Let me read that again for meaning now that I understand it.

The message to the Ukrainians (and Russians) we send with the decision on security assistance is key. With the hold, we have already shaken their faith in us; thus, my nightmare scenario.

Q Please continue.

A Bill Taylor continues: Counting on you to be right about this interview, Gordon.

1 Gordon Sondland: Bill, I never said I was right. I
2 said we are where we are, and believe we have identified the
3 best pathway forward. Let's hope it works.
4 Q Please continue.
5 A Bill Taylor: As I said on the phone, I think it's
6 crazy to withhold security assistance for help with a
7 political campaign.
8 Gordon Sondland: Bill, I believe you are incorrect
9 about President Trump's intentions. The President has been
10 crystal clear: no quid pro quos of any kind. The President
11 is trying to evaluate whether Ukraine is truly going to adopt
12 the transparency and reforms that President Zelensky promised
13 during his campaign. I suggest we stop the back and forth by
14 text. If you still have concerns, I recommend you give Lisa
15 Kenna (ph) or S -- meaning Secretary Pompeo -- a call to
16 discuss them directly. Thanks.
17 Bill Taylor: I agree.
18 Q So then you stopped texting about this concern that
19 Bill Taylor raised?
20 A Yes.
21 Q Bill Taylor said: I think it's crazy to withhold
22 security assistance for help with a political campaign.
23 A Yes.
24 Q Whose political campaign was he referring to?
25 A I could only interpret this as meaning President

1 Trump's political campaign and that he thought it would be
2 crazy to withhold security assistance to help with that.
3 Q And when you testified earlier that you were
4 unaware of this linkage that President Trump had made between
5 the security assistance and the White House meeting and
6 Ukraine starting these investigations, you were not on the
7 July 25th call between President Trump and President
8 Zelensky, correct?
9 A That is correct.
10 Q Who's Lisa Kenna (ph) and who is S?
11 A Yeah. Lisa Kenna (ph) is the executive secretary
12 of the State Department and S refers to Secretary Pompeo.
13 Q Do you know whether Bill Taylor ever reached out to
14 Secretary Pompeo about his concerns?
15 A I don't.
16 Q To your knowledge, did President Zelensky campaign
17 on investigating Burisma or interference in the U.S. 2016
18 Presidential campaign?
19 A To my knowledge, no. His message was just broader
20 in general about fighting corruption in Ukraine.
21 Q I'd like to go back to some more questions about
22 the July 25th call between President Trump and President
23 Zelensky.
24 Before that call, is it true -- is it accurate that you
25 set up a meeting between Rudy Giuliani and Andriy Yermak,

President Zelensky's assistant.

A Yes, that's correct.

Q Why did you do that?

A I believed that Rudy Giuliani, as we saw in an earlier text message, he had been in touch with Prosecutor General Lutsenko. I believe he was getting bad information, and I believe that his negative messaging about Ukraine would be reinforcing the President's already negative position about Ukraine.

So I discussed this with President Zelensky when I saw him in Toronto on July 3rd, and I said I think this is a problem that we have Mayor Giuliani -- so I didn't discuss his meeting with Lutsenko then. That came later. I only learned about that later.

But I discussed even on July 3rd with President Zelensky that you have a problem with your message of being, you know, clean, reform, that we need to support you, is not getting -- or is getting countermanded or contradicted by a negative narrative about Ukraine, that it is still corrupt, there's still terrible people around you.

At this time, there was concern about his chief of presidential administration, Andriy Bohdan, who had been a lawyer for a very famous oligarch in Ukraine. And so I discussed this negative narrative about Ukraine that Mr. Giuliani seemed to be furthering with the President.

1 Q And, Ambassador Volker, just to be clear, in your
2 opening statement, you referred to a problem that you had to
3 deal with.
4 A Yes. This was the problem.
5 Q Rudy Giuliani was the problem?
6 A The negative narrative about Ukraine which
7 Mr. Giuliani was furthering was the problem. It was, in my
8 view, it was impeding our ability to build the relationship
9 the way we should be doing, in my -- as I understood it.
10 Q Do you know what Rudy Giuliani and Andriy Yermak
11 discussed in advance of the call between President Trump and
12 President Zelensky?
13 A So the sequence here is Andriy met with me on the
14 10th of July. I reached out to Rudy to see whether -- and
15 Andriy asked me to connect him to Rudy. I reached out to
16 Rudy to see whether he could get together so that I could ask
17 him whether he wanted to be connected to Yermak. I wanted
18 both parties to want to be connected to each other before
19 doing anything.
20 And he -- we met on, I believe, the 19th of July. I
21 then set up a phone call between the two of them on the 22nd
22 of July. And it was just an introductory phone call so they
23 could talk to each other and --
24 Q Were you on that call?
25 A I was on that call. And it was literally, you

1 know, let me introduce, you know, Mr. Giuliani, let me
2 introduce Mr. Yermak. I wanted to put you in touch, blah,
3 blah, blah.
4 And they agreed to meet in person. And Mr. Giuliani
5 suggested he was going to be in Madrid the following week, or
6 in the May 1 to 5 timeframe, and Mr. Yermak agreed to meet
7 him there.
8 Q Was that -- do you mean August? I believe you said
9 May.
10 A I am sorry. August, yeah. August.
11 Q Sure.
12 A Thank you.
13 Q What, if anything, did Rudy Giuliani say during
14 that phone call with Andriy Yermak about the investigations
15 that President Trump wanted into Burisma, Hunter Biden, and
16 the 2016 election?
17 A Nothing in that phone call.
18 Q Nothing about wanting investigations?
19 A No, to the best of my recollection it was purely
20 just an introductory phone call.
21 Q After that phone call, did Rudy Giuliani advocate
22 for a telephone call between President Trump and President
23 Zelensky?
24 A I don't know whether he did or not. I hoped that
25 he would.

1 [Volker Exhibit No. 6
2 Was marked for identification.]
3 BY MR. NOBLE:
4 Q I'd like to mark as exhibit 6 pages 18, 19, and 20
5 of your text messages. And if you could turn to page 19,
6 please.
7 And I'd like to start on July 25th, 2019, at 8:36 a.m.
8 And if you can just read what you wrote.
9 And to set the scene, I believe this is after the
10 July 25th call between Trump and Zelensky, correct?
11 A I'm not where you want me to be.
12 Q Oh, actually, maybe it's before. I'm sorry. Let's
13 go back.
14 July 25th, 2019, at 8:36 a.m., do you see that, on page
15 19?
16 A Page 19. July 25th. And what time?
17 Q 8:36 a.m.
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1 [1:07 p.m.]

2 MR. VOLKER: Thank you. Kurt Volker, good lunch.

3 Thanks.

4 BY MR. NOBLE:

5 Q And here you're speaking to Andriy Yermak, to be

6 clear, right?

7 A Yes, that is correct.

8 Q Okay.

9 A We had --

10 Q Please continue.

11 A It appears we had lunch. I know I had lunch with

12 him that day. The timestamp is confusing, but --

13 Q Yeah. Because I believe you were in Ukraine at

14 this time, correct?

15 A I was, yes.

16 Q Okay.

17 A So maybe the app is still reflecting of Washington

18 time.

19 Q Okay. Can you just please continue the message?

20 A Good lunch. Thanks. Heard from White House.

21 Assuming President Zelensky convinces Trump, he will

22 investigate slash get to the bottom of what happened in 2016.

23 We will nail down date for visit to Washington. Good luck.

24 See you tomorrow.

25 Q Okay.

1 A This was in advance of the phone call between
2 President Trump and President Zelensky.
3 Q Who did you hear from at the White House about
4 this?
5 A The best of my recollection is I heard from Gordon,
6 who spoke to someone at the White House. I don't believe I
7 heard directly from the White House.
8 Q And you said Andriy Yermak was going to be on the
9 call with President Zelensky and President Trump?
10 A Yes.
11 Q And is it fair to say you were sending a message to
12 Mr. Yermak that he should convey to President Zelensky that
13 he needed to convince President Trump that Zelensky would
14 investigate slash, quote, get to the bottom of what happened
15 in 2016, and then after that President Trump would be willing
16 to, quote, nail down date for visit to Washington?
17 A Yes, that is correct.
18 Q So is that not -- is there no linkage there between
19 a commitment from Zelensky to investigate the things
20 President Trump wanted him to investigate and whether or not
21 he was going to get a White House visit?
22 A The things that President Trump wanted to
23 investigate I did not know, and this was before the call and
24 well before I found out what was in the call.
25 In terms of getting to the bottom of what happened in

1 2016, remember, you had the allegation from the prosecutor
2 general that there had been Ukrainians who had passed
3 documents to try to influence the 2016 election. And so this
4 is a reference to getting to the bottom of what happened.
5 And my belief is that the prosecutor general was spinning a
6 yarn here.
7 Q You did not believe there was any validity to the
8 two allegations as we --
9 A No, I do not.
10 Q -- called them earlier, and yet, that's what
11 President Trump wanted Zelensky to commit to investigating
12 before he could get --
13 A Right.
14 Q -- a visit to the White House?
15 A Yes. It's a matter of President Zelensky being
16 convincing that he is going to get to the bottom of what
17 happened.
18 Q Okay. And then it looks like later that day Andriy
19 Yermak reports back: Phone call went well. President Trump
20 proposed to choose any convenient date.
21 So on that call it went well and President Trump asked
22 President Zelensky to propose dates for a White House visit.
23 Is that correct?
24 A That is correct.
25 Q Okay. And then at the end there it says: Please

1 remind Mr. Mayor -- that's Rudy Giuliani -- to share the
2 Madrid dates.
3 A Right.
4 Q Is that right? And that was the upcoming meeting
5 between Andriy Yermak and Rudy Giuliani in Madrid on or about
6 August 2nd?
7 A That's correct.
8 Q If you can jump down to August 7th, 2019. So this
9 is after the meeting between Giuliani and Yermak --
10 A Yes.
11 Q -- in Madrid.
12 Okay. I'm going to let my colleague, Dan Goldman, ask
13 some questions on this.
14 BY MR. GOLDMAN:
15 Q Real briefly, because we only have a couple
16 minutes, Ambassador Volker.
17 Whether or not you believed it was true, you relayed a
18 message from the White House to President Zelensky that he
19 needed to convince President Trump that he will get to the
20 bottom of what happened in 2016 in order for there to be a
21 White House meeting. Is that what that text message -- you
22 understand that text message to say?
23 A I understand it to be get to the bottom of what
24 happened in 2016, and we will nail down a visit for
25 Washington. So, yes, that we need to do both.

1 Q Now, when one follows the other --
2 A Yes.
3 Q -- you would agree with me --
4 A Yes.
5 Q -- that that is linkage, correct?
6 A That it would be helpful. In other words, what I'm
7 quibbling about is I believe we were still going to push for
8 a White House visit anyway, whether or not Zelensky did, you
9 know, a convincing job saying that I am committed to finding
10 out if there was any effort in election interference, finding
11 out what Lutsenko was talking about. But even if he didn't,
12 we would still try to nail it down. But here is that if he
13 is, you know, strong in this phone call, that will help.
14 Q Right. This was right before the phone call,
15 correct?
16 A Correct.
17 Q Right? So you're relaying a message from the
18 White House to President Zelensky as to what he should say on
19 that phone call?
20 A Correct.
21 Q You didn't say, "Oh, if you can convince President
22 Trump that you're going to root out corruption in Ukraine
23 then we can set up a White House visit" --
24 A Correct.
25 A -- did you?

1 A Correct.

2 Q No, you directly referenced the investigations.

3 A Get to the bottom of what happened in 2016.

4 Q Right. So when you then say, as you are sitting

5 here today, that you had no idea that President Trump was

6 going to discuss investigations either related to Burisma or

7 to 2016 on that call, that's not accurate according to this

8 text message, is it?

9 A Get to the bottom of what happened in 2016 is a

10 reference to the prosecutor general's claims that there was

11 interference. That to be investigated I always thought was

12 fine, because that is just a matter of, you know, we don't

13 want anybody interfering in our elections and did it happen.

14 And my belief was that it didn't, and this is helping --

15 trying to help President Zelensky convey the right message in

16 a phone call to build a relationship with the President that

17 he needs to build just to have confidence in each other.

18 Q To say what the President wanted him to hear --

19 wanted to hear?

20 A To make sure he conveyed a message that would be

21 convincing to the President.

22 Q Because that's what the President wanted to hear.

23 You agree with that?

24 A Yeah.

25 MR. GOLDMAN: Okay. I think our time is up now. I

1 think we'll take a half-hour lunch break?

2 THE CHAIRMAN: Would you like to do that?

3 MR. VOLKER: Sure.

4 THE CHAIRMAN: Let's break for half an hour.

5 [Recess.]

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1 [1:56 p.m.]

2 MR. SWALWELL: Okay. It's 1:55. Going back on the

3 record, and it's minority, 45 minutes.

4 BY MR. CASTOR:

5 Q Welcome back, Ambassador. Thank you for coming

6 back. We were talking -- last time we were asking you

7 questions, the Republicans, about the President's skeptical,

8 deep concerns about Ukraine prior to President Zelensky.

9 A Uh-huh.

10 Q And we talked about some of the issues that

11 Mr. Giuliani brought to his attention. Are you aware of any

12 other issues that, you know, the President may have held

13 about Ukraine other than what Mr. Giuliani brought to his

14 attention?

15 A Well, Ukraine, you know, leaving aside the

16 President for a moment. I don't know what he would have been

17 aware of or not. But Ukraine had for decades a reputation of

18 being just a corrupt place. There are a handful of people

19 who own a disproportionate amount of the economy. Oligarchs,

20 they use corruption as kind of the coin of the realm to get

21 what they want, including influencing the Parliament, the

22 judiciary, the government, state-owned industries.

23 And so businessmen generally don't want to invest in

24 Ukraine, even to this day, because they just fear that it's a

25 horrible environment to be working in, and they don't want to

1 put -- expose themselves to that risk. I would have to
2 believe that President Trump would be aware of that general
3 climate.
4 Q So it wasn't just, you know, issues that Lutsenko
5 and Shokin brought to the attention of Mr. Giuliani or John
6 Solomon at The Hill?
7 A No. My view is that there's already a baseline of
8 negative assessment and then this just reinforces.
9 Q And it's fair to say that the investigation,
10 prosecution of Paul Manafort during -- either -- that too
11 surely --
12 A Yeah, I would think so as well that there was a
13 Ukraine connection in that somehow.
14 Q So Manafort used to work for Yanukovych?
15 A Right.
16 Q And then Poroshenko comes in as President.
17 A Yeah.
18 Q And so there's a belief, fair or not, that perhaps
19 Poroshenko or his allies were feeding information to somebody
20 to, you know, get Paul Manafort in trouble.
21 A I don't know about that. It's possible. There was
22 something. In the investigations of Manafort's activities in
23 Ukraine, there was a supposed ledger, and there's been in the
24 media discussions, is this a valid ledger, is this a forgery
25 ledger. And it was introduced publicly by an investigative

1 journalist who became a member of Parliament named Sergei
2 Leshchenko, L-e-s-h-c-h-e-n-k-o, Sergei, S-e-r-g-e-i.
3 And he was believed incorrectly to be close to President
4 Zelensky and even in Ukraine, because he was campaigning, you
5 know, or speaking publicly on behalf of President Zelensky's
6 campaign, but he was never really part of President
7 Zelensky's inner circle.
8 Q Was he an ally of Poroshenko?
9 A At one point, yes, he was. Yeah. Enough. He's
10 played a variety of roles from journalist to member of
11 Parliament, supporting Poroshenko, opposing Poroshenko,
12 supporting Zelensky, not supporting Zelensky's team.
13 Q Given the fact that we know about Manafort, maybe
14 not facts that, you know, you know from a firsthand account,
15 but isn't it reasonable to believe that the President,
16 President Trump, may have felt that Poroshenko or somebody
17 aligned with him was behind the effort to get Manafort as a
18 proxy to get the President?
19 A I don't know whether he thought that or not.
20 Q But is that a reasonable thing to think?
21 A I could see why someone would think that. May I
22 add also, I met with President Poroshenko, I don't know, a
23 dozen times, perhaps 10 times, 12 times, and I believe that
24 he did a very good job on introducing reforms in Ukraine but
25 not enough, that he would go so far but -- and that was

because he had a very difficult, political environment in which to do things. He did not easily control a majority in Parliament.

And I also believe that he took office after the Maidan, and it was an optimistic time in Ukraine about change after Yovanovitch, and very quickly became a wartime President as Russia attacked and took Crimea and took eastern Ukraine.

And he was forged by that, so he was really focused on, you know, fighting back, building the military, trying to stabilize the economy, really playing the role of a wartime President. And I personally did not see him as, you know, motivated by anything other than that.

Q You know, if the President, President Trump believed that these ledgers were falsified like some allegations --

A Uh-huh, there were allegations that they were. I believe that they were investigated and declared to be valid, but, nonetheless, this was in the public domain.

Q So, if President Trump had that belief --

A Yes.

Q -- whether you think it's reasonable or not, but if he held that belief, can you understand why he would want Ukraine to investigate why perhaps these ledgers were fabricated, if he held that belief?

A Yes.

1 Q Going back to exhibit 4, which is the --
2 A The transcript.
3 Q Right. Going back to the same page we were on,
4 page four.
5 A Yes.
6 Q The second paragraph where President Zelensky is
7 talking at the end, he relays to President Trump that: Her
8 attitude towards me -- and this is Yovanovitch -- her
9 attitude towards me was far from the best as she admired the
10 previous President, and she was on his side. Do you know
11 whether that is a widely held belief or true? It's the
12 penultimate sentence of that paragraph and then the last
13 sentence. Her attitude towards me --
14 A Yes. Yes.
15 Q Talking about Yovanovitch.
16 A Yes. Her attitude towards me was far from the best
17 as she admired the previous President, and she was on his
18 side. She would not accept me as a new President well
19 enough.
20 Well, he's expressing his view, and I -- in my dealings
21 with Masha, I found her trying to be impartial. I found her
22 trying to navigate the election without taking sides on
23 anyone.
24 Some of the context to this is that Zelensky kind of
25 came up out of nowhere. He was not a candidate for all of

1 2018. There were other prominent candidates, so most of the
2 focal point was Poroshenko or Yulia Tymoshenko, will he run,
3 will he not run about a rock star named Sovavakochuk (ph),
4 and Zelensky was not in the picture.
5 When he arose kind of meteorically, as an outside figure
6 and a popular candidate, I think it did take everybody by
7 surprise. And maybe he felt that she was not like on board,
8 you know, communicating with him early enough, that that's
9 possible, as he perceived it.
10 Q And if he perceived that Ambassador Yovanovitch
11 wasn't on his side or may have supported the previous
12 President, and he communicated that to U.S. officials, is it
13 reasonable that perhaps the President would want to curtail
14 her assignment?
15 A No. No, I don't think that's a good reason. What
16 a foreign leader thinks of our ambassador shouldn't drive how
17 we treat our ambassadors. I think it's the President's own
18 judgment about our ambassadors that should matter.
19 Q You know, a lot has been made of the discussion of
20 Biden on the call.
21 A Yep.
22 Q His name doesn't show up that much in the readout.
23 And the passage we're reading this morning, on the same page,
24 page four, it begins with a transitional phrase.
25 A Uh-huh.

Q The other thing --

A Yep.

Q -- meaning we're turning -- I mean, there's a lot of ambiguities in this document, and so it's very difficult to know for certain what's in the mind of the people that are recorded on the transcript. Is that a fair assessment?

A Yes. You have to really know the issues and the context to understand what they're talking about, because it was in a particular moment. They knew what they were discussing, but, you know, if you read it just cold and you don't know the context, I'm sure it's hard to figure out.

Q And that's the case with any call transcript of --

A Yes.

Q -- any President.

A Any conversation.

Q And so, at the end of page three and then the top of page four, they're talking, and then the transitional phrase comes up that says: The other thing. There's a lot of talk about Biden's son, that Biden stopped this prosecution, and a lot of people want to find out about that. So whatever you can do with the Attorney General would be great.

You know, one reading of this could be it's a throwaway statement.

A Uh-huh.

Q I mean, Biden doesn't show up a ton in this interview transcript. He says: The other thing. There's a lot of people talking about Biden's son, a lot of talk about Biden's son.

I mean, that's not "go investigate Joe Biden," right?

A Yeah. Well, what's interesting here to me is he says, "Whatever you can do with the Attorney General would be great," which means: Get it into an official communication, an official contact between Ukraine and the Attorney General.

And it's not specifically saying investigate, but I think, you know, this came out in September, September 25th, and there's been a lot of commentary about that. And I don't think you can make any other assumption than that it meant investigate, but it was at least saying, you know, work in an official, legal channel.

Q You'd agree Biden comes up in this paragraph, but that's pretty much the extent of it?

A I'm sorry.

Q I was just mentioning that Biden shows up in this paragraph, you know, the top of page four, but the call doesn't -- I mean, this call -- it wasn't a call about Joe Biden.

A Correct. Again, I want to reiterate: I was not on the call and didn't get a detailed readout at the time, so I'm only reading the same text as you are.

1 The purpose of the call is the very first thing the
2 President says, which is: Congratulations on the great
3 victory.
4 In addition to coming out of nowhere to win the
5 Presidential election, President Zelensky built a political
6 party out of nowhere and won an absolute majority in the
7 Parliament, and congratulating him on that and reestablishing
8 a relationship is the heart of the call.
9 Q When we were speaking in our morning hour, you
10 mentioned you got a readout from the Ukraine, you got a
11 readout from the State Department, and you didn't hear
12 anything about Joe Biden.
13 A That is correct.
14 Q You've got this interview transcript here. This is
15 five pages, right. And so Biden is mentioned, okay. He's
16 mentioned.
17 A Yes.
18 Q But he's mentioned at the top of page four, so I
19 just wanted to make sure that I wasn't underselling that.
20 A That's correct.
21 Could I also just draw your attention on the 27th of
22 July, is a Saturday. I was back in Kyiv after visiting the
23 conflict zone and gave an interview and was asked about the
24 phone call and at that time reiterated the readouts that I
25 was given at the time, so this did not come up.

Q I think it was maybe suggested that Biden is synonymous for Burisma or Burisma is synonymous for Biden. But there's an ambiguity there.

A Yeah.

Q And that interpretation could go both ways. I mean, the name Burisma may not have been on the tip of the President's tongue during the call. Isn't that a fair --

A No doubt. No doubt that he would not know or even know how to pronounce or be familiar with the name of a company like that.

Q So, if you try to get inside the President's head, I mean, he may have been searching for the name Burisma but couldn't grasp it so he spits out Biden?

A I wouldn't want to say that. I would not want to say that. What I would say, however, is that there are three separate things going on here: There is Burisma the company, which was notorious for having had a history of corruption and been investigated for money laundering; there is Vice President Biden and his son; and there is 2016 election interference that had been alleged by the prosecutor general of Ukraine. So there are three separate things that we're talking about, and sometimes they're getting conflated in the discussion here, but they are three distinct things.

Q Is anybody in Ukraine investigating Burisma or Hunter Biden?

A I don't believe so. I don't know the answer to that, but I have never heard that they are.

Q And certainly nobody's investigating Joe Biden?

A No. And, in fact, I think it would only be proper for Ukrainians to investigate Ukrainian citizens who violated Ukrainian law, which is what the middle of those, Burisma, is about.

Q The Ukrainian Ambassador to the U.S. is Valeri Chaliy?

A Yes.

Q Did I pronounce that right?

A Correct.

Q What is your relationship with Chaliy?

A Well, he was the Ukrainian Ambassador here for some time. And in my duties as the special representative I would meet with him, talk with him. We sometimes spoke together at public events. He -- how do I want to say this? He was a good interlocutor. He knew what was going on in Ukraine. He was able to convey that. I could get updates from him. I could tell him what I was doing.

But at the same time, my principal engagement was visiting Ukraine and meeting the President and staying in touch with the Foreign Minister and the diplomatic adviser to the President.

Q Are you familiar with an individual named Alexandra

1 Chalupa?
2 A That does ring a bell. Can you remind me what her
3 position was?
4 Q She is a consultant that -- hired by the DNC during
5 the 2016 election cycle, was paid $71,000.
6 A Yes, I heard about this. I read about --
7 Q Do you know anything about --
8 A No, I have no personal knowledge of any of it.
9 I've read about it in the press.
10 Q So you don't know anything about her efforts to
11 work with the Embassy here?
12 A I don't know anything about that.
13 Q So anything you know about Chalupa is just what
14 you've read in the press --
15 A Exactly. Correct.
16 Q -- and you don't have any -- you did not have any
17 discussions with State Department officials about Chalupa?
18 A No. No.
19 Q But you're aware of the general allegations that
20 Chalupa is trying to --
21 A That she was looking for things for the benefit of
22 the DNC and the election campaign.
23 Q And could harm President Trump's political
24 prospects?
25 A Yeah. That's what the media reports are about.

1 Q And so that, in fact, may be another data point to
2 the President's uncomfortable posture towards Ukraine prior
3 to Zelensky's election?
4 A It's possible.
5 Q You mentioned Leshchenko earlier. Have you ever
6 had any firsthand dealings with him?
7 A Yes, I have. I first met him in New York City. We
8 happened to be booked on a radio interview at the same time
9 about Ukraine, and so we were chatting there. He struck me
10 as a very earnest and committed reformer at the time. He
11 then attended a conference in Tbilisi, Georgia, and I met him
12 and his new wife at that time. Again, came across well.
13 Then I did not see him again after that until I visited
14 Ukraine for the U.S. Destroyer visit to Odessa, went up to
15 Kyiv that evening, had a meeting with candidate Zelensky, and
16 he was at that meeting along with a number of other people.
17 Q And any other meetings with him or --
18 A No.
19 Q Okay. So his involvement in the Manafort-related
20 issues, you never had any firsthand --
21 A I never spoke -- I didn't know that he was involved
22 in that until I later read about it in the media that he had
23 a role with the ledger.
24 Q We were discussing on text message chain, I think
25 it was exhibit 5, and Bill Taylor was, you know, mentioned he

1 might resign.

2 A Yes. Can you remind me the page number? Anyway,

3 please continue.

4 Q Fifty-three I think it is. I just wanted to get

5 your reaction. I mean, was Bill Taylor actually talking

6 about resigning, or was he just sort of venting and maybe

7 just upset by the situation?

8 A Well, I think if -- I think he was serious, to be

9 honest. I think he was serious that, if we don't give

10 Ukraine the security assistance, because we all believe this

11 is critically important, then he would step down, and that

12 would be beneficial to the Russians as well because if we

13 can't get our policy right, then I don't think he wants to be

14 there representing it.

15 Q But during the same time period, I mean, you had

16 confidence the assistance --

17 A I was very confident that that hold would not

18 stand.

19 Q Okay. And does that --

20 A And I was surprised that Bill was not confident.

21 He has been around a long time too. And he should know that

22 nobody in any of the policy agencies would sit still for

23 suspending this.

24 Q Okay. And that it's fair to say there's --

25 sometimes this is a rocky road, there's ups, there's downs?

1 A Yes.

2 Q And that's consistent with foreign assistance, you

3 know, at all times, all countries, all eras?

4 A Yes. I don't need to go into examples, but I've

5 come across many in my experience for any number of reasons

6 where there is a hold on assistance or a condition placed on

7 assistance because they want a particular policy outcome.

8 The IMF does this all the time with conditionality on

9 fiscal policy. Sometimes it's human rights related, so that

10 we're trying to get a government to do -- you know, release a

11 political prisoner or, you know, respect human rights better.

12 So there's a lot of reasons why assistance gets held from

13 time to time.

14 Q You had quite a deal of interactions with

15 Mr. Giuliani --

16 A Yes.

17 Q -- for a certain period of time?

18 A Yes, about 2-month period.

19 Q Two-month period. From your text messages, we can

20 see that you had coffee with him, breakfast?

21 A Yeah. We had one meeting, one breakfast, and the

22 rest was just by text or by phone.

23 Q And so, for this 2-month period, is there anything

24 in your communications with Mr. Giuliani that you didn't feel

25 was, you know, towards advancing the interest of the United

1 States?

2 A Not at all, quite the opposite. The reason I

3 assisted the Ukrainians in contacting him was precisely to

4 advance the interests of the U.S. because I wanted the

5 information that the President would be getting to reflect a

6 better understanding of who this new President, who his new

7 team are.

8 Q So any assertion or claim that it was improper to

9 be bringing Rudy Giuliani into that process, you would rebut

10 that, right?

11 A I would disagree with that. I believe it's part of

12 my job to try to advance the relationship between the U.S.

13 and Ukraine, to advance U.S. interests with Ukraine, foreign

14 policy, national security interests, to strengthen Ukraine as

15 a democracy.

16 And I -- as the special representative, there's a lot of

17 public role with that, and so you meet with a lot of people,

18 you communicate with a lot of people, you try to

19 bridge-build, and problem-solve.

20 And I didn't view -- let me put it this way: I didn't

21 think it improper to contact Mr. Giuliani much as I would,

22 you know, not think it improper to contact anybody. You

23 know, I've had meetings with businessmen who have invested in

24 Ukraine. I've had meetings with clergy. I've had meetings

25 with American citizens who have had problems in Ukraine and

1 that wanted to tell me about them, you know, all kinds of
2 things.
3 Q And that essentially was part of your job --
4 A Exactly.
5 Q -- was fielding these calls, connecting some
6 people, not connecting others, making decisions to plug in,
7 say, Rudy Giuliani with Yermak?
8 A Correct.
9 Q And there were probably, you know, some individuals
10 you decided not to do that with. Is that fair to say?
11 A Probably, yes. I can't imagine just even as a
12 matter of time that I would have done that, but the focal
13 point here, again, as you already stated, was how do we
14 advance the U.S. interests here and the relationship between
15 the United States and Ukraine.
16 Q You had a tricky job. I mean, the U.S.-Ukrainian
17 relations have its own set of issues.
18 A Uh-huh.
19 Q The Ukrainian-Russia relations is its own problem.
20 A Yes.
21 Q And your job was essentially to, in a nuanced
22 fashion, try to make everything work?
23 A That's correct. To elaborate on that point, it was
24 clear to me after, say, the spring of 2018 that the Russians
25 were not going to move out of eastern Ukraine; they were

content to keep the war going. We had had some exploratory discussions late 2017, early 2018, that I thought might have some promise. But by the time we hit the middle of 2018, it was clear they had made a conclusion to just keep the war going.

As a result of that, I concluded that the only thing we can really do is strengthen Ukraine. If we want Russia to negotiate a way out, the only way they're going to do that is if they are convinced that it's pointless to stay.

And so helping Ukraine militarily, economically, security, reform, fighting corruption, and demonstrating a critically strong U.S. relationship is all part of demonstrating to the Russians that this is an expensive, wasted effort to keep this war going in eastern Ukraine.

MR. CASTOR: I want to make sure that I give time to our members if they have questions.

MR. PERRY: Thank you, Ambassador.

I want to start out with this skepticism that the President had -- that you talked about that the President had for Ukraine. And would you assess that, based on your dealings with him and the situation as it is that he has held them for some time, or did they just start --

MR. VOLKER: No.

MR. PERRY: -- fairly recently?

MR. VOLKER: My assessment was that these were

1 longstanding.

2 MR. PERRY: Longstanding. So you would say that they --

3 I don't want to put words in your mouth. Would you say that

4 he had these skepticism or some level of skepticism before

5 his personal attorney Giuliani may have imparted some of his

6 opinions?

7 MR. VOLKER: Well, what I can say is that when I briefed

8 the President and then participated in his meeting with

9 President Poroshenko in September 2017, it was already clear

10 then that he had a very skeptical view of Ukraine.

11 MR. PERRY: Okay. Thank you. I just want to -- most of

12 my questions are just clarifying.

13 In the last round, you were asked to read a portion of

14 the conversation between the President of the United States

15 and that of Ukraine on page four.

16 MR. VOLKER: Yes.

17 MR. PERRY: And I'll read it this time: The other

18 thing, there's a lot of talk about by Biden's son, that Biden

19 stopped the prosecution, and a lot of people want to find out

20 about that, so whatever you can do with the Attorney General

21 would be great.

22 Would you assess that that's the President looking

23 backward to things that already occurred or looking forward

24 to things that might occur?

25 MR. VOLKER: Definitely looking backward.

1 MR. PERRY: Okay. And that's how I took it too, but it
2 wasn't necessarily clear.
3 Let me ask you this: We talked a little bit about some
4 of the agreements that we have with Ukraine, and I know that
5 you're not intimately familiar with them, but we do have a
6 treaty or an agreement regarding shared information, law
7 enforcement, et cetera, in that context.
8 MR. VOLKER: Yeah. Mutual legal assistance treaty.
9 MR. PERRY: Is it normal -- because I'm not in the
10 Foreign Service, but is it normal when such agreements are
11 present for heads of state to discuss potential collaboration
12 on investigations that might cross shores and involve both
13 countries?
14 MR. VOLKER: Yes and no.
15 MR. PERRY: Okay.
16 MR. VOLKER: Yes, and no. Typically, leaders do not
17 talk about the specifics of investigations. They leave that
18 to the law enforcement community, the Attorney General,
19 prosecutor general, things like that. But on the need for
20 cooperation as a general matter, then, yes, I've heard that
21 raised in other phone calls in previous administrations.
22 MR. PERRY: In this context, since the President of
23 Ukraine is new, and, quite honestly, new to politics and new
24 to elected office, as I understand, would it be
25 appropriate -- because he talks very specifically about the

1 Attorney General. Of course, he's referring to -- the
2 President is referring to Attorney General Barr.
3 In that context, is it appropriate to say -- have the
4 conversation, based on our shared interest and under the
5 agreement we have, this is my Attorney General. I'm making
6 an entree to kind of set the table, set the stage, open the
7 window. Is that reasonable?
8 MR. VOLKER: Yes. In terms of process to say work with
9 the Attorney General, that's the right process.
10 MR. PERRY: In the last round, there was a conversation
11 you had with Chairman Schiff that I just want to kind of
12 clarify. First of all, the folks that you dealt with in
13 Ukraine at the very highest level, I don't know, but I'm
14 going to ask, do you feel like they had a fair amount of
15 trust in you?
16 MR. VOLKER: Absolutely.
17 MR. PERRY: And I assess that too from the conversation
18 that we had. So they would confide things in you if they had
19 a question?
20 MR. VOLKER: They would confide things. They would ask
21 questions. They would ask for help. We had a very candid
22 relationship.
23 MR. PERRY: So you had said that you get the readout
24 from the call that was basically congratulations, fighting
25 corruptions, and then initiation to a White House visit, so

1 to speak. That was the assessment.

2 MR. VOLKER: That is what I was briefed as the content

3 of the call.

4 MR. PERRY: But in your conversation with Representative

5 Schiff, he kind of implied and wanted you to intimate that

6 there was an agreement based on that conversation that: If

7 you do the investigation, then you can have a meeting and

8 maybe we'll consider this military aid.

9 If that were the case from the call, do you feel,

10 because they had some trust in you, that they would have come

11 to you and said, "Hey, how do we handle this? Is this what

12 the President of the United States is asking?" Would they

13 confide -- would they ask you that?

14 MR. VOLKER: Yes, they would have asked me exactly that,

15 you know: How do we handle this?

16 And, in fact, we had conversations, and some of them are

17 in these text streams here, where they wanted to make a

18 statement to show that they are serious about investigating

19 the past and fighting corruption and turn a new page in

20 Ukraine. And we engaged over what to say, what not to say.

21 MR. PERRY: And so they did not ask you that particular

22 question?

23 MR. VOLKER: No.

24 MR. PERRY: Not at all, okay.

25 I think I just have two more. I'm turning to page 53.

1 Your text transcript, 9/9/19, 5:19 a.m., from Gordon
2 Sondland: Bill, I believe you are incorrect about President
3 Trump's intentions. The President has been crystal clear, no
4 quid pro quos of any kind.
5 Would Gordon Sondland -- would he make that up?
6 MR. VOLKER: No. No. Gordon and I and, you know, Bill
7 and other -- were in frequent contact. And Gordon was
8 repeating here what we all understood.
9 MR. PERRY: Okay. And my final question is, in the last
10 round you were questioned a few times regarding the
11 acceptability of a President seeking the assistance of a
12 foreign government regarding our electoral process. And I
13 think -- I don't want to paraphrase or put any words in your
14 mouth -- but you agreed with Representative Schiff that that
15 would be wrong?
16 MR. VOLKER: That would be.
17 MR. PERRY: So would you assess that it would be
18 acceptable or unacceptable for Members of Congress to seek
19 that same foreign assistance?
20 MR. VOLKER: The same. The same.
21 MR. PERRY: It would be wrong?
22 MR. VOLKER: My view -- just an American citizen here;
23 it doesn't have anything to do with being a special
24 representative to Ukraine -- but my view is that we do not
25 want foreign countries interfering in American elections,

period.

MR. PERRY: Thank you.

I yield the balance.

MR. MEADOWS: Mr. Ambassador, it's Mark Meadows from North Carolina, and I'm not going to ask questions because the majority has indicated that they don't want members to do that. But I want to go on the record and in three different ways.

I'm going on the record to indicate to the majority that we need to make sure that we clarify the rules, and members should be allowed to ask questions. And I can tell you that, from my standpoint, it is critically important that we establish this going forward.

And I wish Chairman Schiff were here. And I'm not asking you to comment. This is for the record, and I can tell you that I object to the way that this deposition -- transcribed interview has been conducted in terms of the overall rules.

Mr. Ambassador, I want to go further, because I want to say thank you. On behalf of the American people, it is a great loss that you are going back to your passion. I can tell that you have done an incredible job of representing our country.

You've represented the State Department and our Foreign Service personnel in such a gracious way today that I just

1 want to say thank you. And your testimony here today has
2 given me such great encouragement that, regardless of the
3 outcome of what you believe or didn't believe, you've come
4 across in an unbelievably transparent and authentic way, and
5 I just want to thank you for that.
6 MR. SWALWELL: Mr. Meadows, I just want to clarify --
7 MR. MEADOWS: It's my time. I didn't interrupt you.
8 MR. SWALWELL: I just want to clarify, you can ask
9 questions. You said that you're not allowed to. We are
10 affording you the opportunity. So --
11 MR. MEADOWS: At the very beginning --
12 MR. SWALWELL: You have 6 minutes.
13 MR. MEADOWS: -- what I would love for us to do is,
14 going forward on these transcribed interviews, is let's set
15 out what -- because at the very beginning, we were saying:
16 We discourage members from asking questions.
17 MR. SWALWELL: I'm telling you, you can ask questions,
18 so --
19 MR. MEADOWS: I appreciate that. And when I hear it
20 from the chairman --
21 MR. SWALWELL: I'm acting as the chairman for the rest
22 of the day, so you can ask questions. You've got 5 minutes.
23 MR. MEADOWS: Well, I appreciate it. And so I assume
24 that that's going to be the way for every transcribed
25 interview? Are you on the record as saying every transcribed

interview members can ask questions as many as they want?

MR. SWALWELL: We've got the witness here. You can ask questions, so --

MR. MEADOWS: I'm asking going forward because that's why I put it on the record, Mr. Swalwell. You know. Listen, this is not your first rodeo, nor mine. So are you saying, going forward, members are going to be allowed to ask questions, as the acting chairman?

MR. SWALWELL: Today, you can ask questions. I'm not going to speak for the chairman for tomorrow.

MR. MEADOWS: Yeah. Well, when Chairman Schiff gets back, we'll ask someone who is really in Charge.

MR. SWALWELL: Okay. You've got 4 minutes.

MR. MEADOWS: And so here is the last thing I would say: You've done a great job of answering as a fact witness, and I think that that's critically important, that in the context of all of this for the record is, when there's a fact, you have answered those to the best of your ability.

Now, I would say my friends opposite have tried to lead you down a road where you're supposed to get in the mind of everybody else that was on a text message and have you opine on what they thought. And if we were in a court, it would be thrown out immediately. And I think all the counselors around here realize that it would be leading the witness.

But I want to say thank you for sticking to the facts

1 and allowing us and, more importantly, the American people to
2 see exactly the kind of career diplomats that we have
3 servicing and sacrificially serving our country. And I want
4 to just say thank you for the record, Ambassador.
5 And I'll give it back to Steve.
6 MR. VOLKER: Thank you, Congressman.
7 It's very kind of you. And I do find it a pleasure to
8 be here. I wanted to do this testimony. I believe it's
9 important to bring the facts out.
10 MR. ZELDIN: Picking up where Congressman Perry just
11 left off with regards to Members of Congress requesting a
12 foreign government to interfere in critical elections here in
13 the United States, are you familiar with a May 2018 letter of
14 three Democratic Senators sent to Lutsenko demanding his
15 assistance in the Mueller probe?
16 MR. VOLKER: No, I was not aware of that letter.
17 MR. ZELDIN: Okay. Well, there was a letter that was
18 submitted by three Democratic Senators to Lutsenko demanding
19 his assistance with regards to the Mueller probe. So you
20 haven't had any conversations then, I guess, with Ukrainian
21 officials with regards to that letter? You're not familiar
22 with --
23 MR. VOLKER: No. No, I did not. As I told you earlier,
24 I had my own views about Lutsenko and what the value of that
25 engagement would be, but I was not aware of that and didn't

engage in that.

MR. ZELDIN: Okay. Senators Menendez, Murphy, have they directly reached out to you with regards to demanding assistance of the Ukrainian Government with Oregards to the Mueller probe?

MR. VOLKER: No, they have not.

MR. ZELDIN: And just to clarify, up to this point of today's transcribed interview, has anything been stated that you would say classified?

MR. VOLKER: No.

MR. ZELDIN: Everything is unclassified up to this point?

MR. VOLKER: In my mind, all of this is unclassified. As I said, there are a few sensitive exchanges that I think would be detrimental if made public, but those are not classified information.

MR. ZELDIN: Okay.

MR. CASTRO: Thank you. Our round is up.

MR. SWALWELL: If you have any followup questions, go ahead.

MR. CASTRO: No. I'm good.

MR. SWALWELL: Are you sure?

Ambassador, I'm inclined to keep going, unless you want another break.

MR. VOLKER: No.

1 MR. SWALWELL: Okay. We'll start our 45-minute block.
2 Ambassador, you said that it was not inappropriate for
3 you to work with Mr. Giuliani in the way that you did. Have
4 you ever seen though in your years of service, in the Foreign
5 Service, any person like Mr. Giuliani hold a role like he
6 held for Mr. Trump?
7 MR. VOLKER: I can't say that I have, no.
8 MR. SWALWELL: To your knowledge, did Mr. Giuliani have
9 a security clearance?
10 MR. VOLKER: I don't know.
11 MR. SWALWELL: Did you ever discuss classified
12 information with him?
13 MR. VOLKER: No.
14 MR. SWALWELL: You testified earlier that a problem in
15 the past for Ukraine was its leaders investigating political
16 rivals. Is that right?
17 MR. VOLKER: Yes.
18 MR. SWALWELL: Do you believe it's okay for a United
19 States President to ask a United States Attorney General to
20 investigate a political rival?
21 MR. VOLKER: That's just getting my opinion on domestic
22 things.
23 MR. SWALWELL: So I guess, as an American citizen, do
24 you think that that's okay?
25 MR. VOLKER: As an American citizen, I believe that no

one is above the law.

MR. SWALWELL: Do you believe that it's okay for a U.S. President to ask a foreign country to investigate a political rival?

MR. VOLKER: I think it's inappropriate.

MR. SWALWELL: You mentioned that President Trump had expressed skepticism about Ukraine as long as you had known President Trump's views on Ukraine. Do you know what informed his views about Ukraine, like the source of that?

MR. VOLKER: Can you repeat that question again?

MR. SWALWELL: You had said that, as long as you had known Mr. Trump had a view on Ukraine, you believed he had skepticism about Ukraine.

MR. VOLKER: Yes.

MR. SWALWELL: Do you know the source of his views on Ukraine?

MR. VOLKER: Well, only my interactions with him. There were two. There was the meeting with President Poroshenko in September 2017, and then there was the Oval Office meeting on May 23rd of this year. And it was remarkably negative going back even to September.

If you look at President Trump's bio, he had visited Ukraine, I believe, Miss America or Miss Universe Pageant, something like that. I know he was always looking at business investments. And I don't believe he ever invested

1 in Ukraine. And like a lot of businesspeople, I think he
2 just recoiled at the corrupt environment.
3 MR. SWALWELL: Do you know if --
4 MR. VOLKER: I don't know any of that as a fact.
5 MR. SWALWELL: Sure.
6 MR. VOLKER: It's just -- it is my interpretation.
7 MR. SWALWELL: Do you know if President Putin informed
8 President Trump's views on Ukraine?
9 MR. VOLKER: I don't know.
10 MR. SWALWELL: Would you say that Russia is as corrupt
11 as Ukraine?
12 MR. VOLKER: Yes.
13 MR. SWALWELL: And President Trump has invested in
14 Russia, to your knowledge?
15 MR. VOLKER: I don't know if that happened or not. I
16 read about --
17 MR. SWALWELL: Well, he had the Miss Universe contest
18 there.
19 MR. VOLKER: Oh, they did. Okay.
20 MR. SWALWELL: Has President Trump ever expressed
21 concerns about corruption in any other country besides
22 Ukraine to you?
23 MR. VOLKER: To me, no.
24 MR. SWALWELL: You mentioned that, I think to Mr. Perry,
25 that it is not unusual for countries to have an investigation

1 cooperation agreement, you know, as far as law enforcement
2 goes, but you said it would be unusual to discuss specific
3 investigations. Have you ever heard a U.S. President, from
4 any call readouts you've seen or conversations you observed,
5 a prior U.S. President reference a specific investigation?
6 MR. VOLKER: I can think of one, and it would be a
7 classified conversation. And there may be more, but I can
8 certainly think of one.
9 MR. SWALWELL: I'm going to turn it over to Mr. Noble.
10 MR. NOBLE: I'm going to turn it over to Mr. Bitar.
11 MR. BITAR: Hi. Ambassador Volker, my name is Maher
12 Bitar. I'm the general counsel for the Intelligence
13 Committee. I'd just like to level set in light of many of
14 the questions you received today.
15 I, like you, was a senior State Department official in a
16 prior life. I've also worked on the National Security
17 Council staff. I've been on innumerable diplomatic trips.
18 I've prepared Presidents for meetings and phone calls. I've
19 prepared packages for their meetings. I've consulted with
20 them before and after those phone calls and meetings. I've
21 traveled with Secretaries of State across the world.
22 I have to say, the evidentiary record that has emerged,
23 in part those text messages that you have provided, as well
24 as the phone call record that the White House produced, is
25 abnormal, highly unusual, and raises profound concern, at

1 least among many Members of Congress as well as staff, that
2 the use of the Office of the President -- that the Office of
3 the President may have been used to advance personal
4 political interests of Mr. Donald Trump rather than the
5 national interest.
6 I just want to level set here because I think, like you,
7 I've seen how diplomacy works, and having seen that in
8 action, it's possible to also identify when it deviates
9 significantly. And when even the most laudable goals of
10 trying to advance national interests can get ensnared and
11 enmeshed with efforts to advance personal political
12 interests.
13 So I'm going to turn it over to my colleagues now.
14 We're going to go in more depth into specific text messages
15 exchanges that you have had as well as the broader timeline,
16 because I think it's time to step back as well and look at
17 the broader timeline and put all the pieces together.
18 And I think what will emerge is a very troubling story
19 where you have -- you did your best, it looks like, in a very
20 difficult situation to try and protect and preserve the
21 bilateral relationships despite efforts by Mr. Donald Trump
22 and his personal agent, Rudy Giuliani, to advance separate
23 parallel interests. And I think it's going to be an
24 important thing to clarify for the rest of this interview.
25 So if I can turn to my colleague, Dan Noble. Thank you.

1 BY MR. NOBLE:

2 Q I'd like to go back to what my colleague on the

3 minority asked you about. He said that, during the July 25th

4 call, and I'll point you to page four of the transcript

5 again, where the President tells President Zelensky: There's

6 a lot of talk about Biden's son, that Biden stopped the

7 prosecution, and a lot of people want to find out about that,

8 so whatever you can do with the acting -- with the Attorney

9 General would be great.

10 My colleague suggested that when the President said

11 Biden no less than three times in the portion of the

12 transcript I just read, he actually meant to say Burisma.

13 You agree that's ridiculous, right?

14 A I do not agree he meant to say Burisma. I think he

15 meant to say Biden.

16 Q In that paragraph, and I'll let you take the time

17 you need to look at it, the President actually never mentions

18 the name of any company, does he?

19 A I don't believe that he does.

20 Q Okay. But in the next paragraph, President

21 Zelensky understands what President Trump is referring to,

22 correct? He says, the next prosecutor general will be

23 100 percent my person, my candidate who will be approved by

24 the Parliament and will start as a new prosecutor in

25 September. He or she will look into the situation,

1 specifically to the company that you mentioned in this issue.
2 So the company is Burisma, correct?
3 A Yes.
4 Q So it's fair to say Burisma or President Zelensky
5 understood President Trump to be referring to both Burisma
6 and Biden when President Trump said Biden, correct?
7 A I think what I read in this is that President
8 Zelensky understood that there's a linkage here, and he is
9 not responding to President Trump about Biden, and he is
10 instead saying: We'll investigate the company.
11 Q So it's fair to say, by referring to the company or
12 to Burisma, President Zelensky avoided saying that he was
13 going to investigate the former Vice President of the United
14 States or his son?
15 A That is my reading of it.
16 Q I'd now like to go back to some of your text
17 messages. If you could turn to page 42, and this is going to
18 be marked, I believe, as a new exhibit, Exhibit 6.
19 MR. CASTOR: Exhibit 7.
20 MR. NOBLE: Exhibit 7. And exhibit 7, for the record,
21 is pages 42, 43, and 44.
22 Do you have page 42 in front of you?
23 [Volker Exhibit No. 7
24 was marked for identification.]
25

1 [2:50 p.m.]

2 BY MR. NOBLE:

3 A Yes, I do.

4 Q Okay. I'd like to go to kind of the bottom third,

5 picking up at August 9th, 2019, at 5:35 p.m., where

6 Ambassador Sondland writes: Morrison ready to get dates as

7 soon as Yermak confirms.

8 A Okay.

9 Q What was Ambassador Sondland saying there?

10 A Morrison ready to get dates as soon as Yermak

11 confirms. And I believe this referred to Yermak confirming

12 that President Zelensky was going to make a statement along

13 the lines that we had discussed in that other exchange.

14 Q A statement about the investigation?

15 A A statement about Ukraine's commitment to fighting

16 corruption and investigating things that happened in the

17 past, and that was where we had this question that we

18 discussed earlier about whether it would specifically mention

19 Burisma and 2016 or not. That's the statement in reference.

20 Q Okay. If you can just continue to read the next

21 few lines.

22 A I said: Excellent. How did you sway him?

23 Because -- and shall I explain it or just keep reading?

24 Q Sure, go ahead and explain what you meant there.

25 A Okay. So I was very pleased that Morrison was

1 going to get dates for a visit, because we had been trying
2 and trying and trying and not getting anywhere.
3 Q And by this point, it had been since the end of
4 May?
5 A Yeah.
6 Q Over 2 months?
7 A Yes.
8 Q Okay. And go ahead and continue what Ambassador
9 Sondland said.
10 A Gordon Sondland: Not sure I did. I think POTUS
11 really wants the deliverable, meaning the statement.
12 Q And what -- yeah, what did you understand what the
13 President wanted by deliverable?
14 A That statement that had been under conversation.
15 Q That was the deliverable from Zelensky that the
16 President wanted before he would commit to --
17 A He wanted to see that they're going to come out
18 publicly and commit to reform, investigate the past, et
19 cetera.
20 Q Before President Trump agreed to host President
21 Zelensky at the White House?
22 A Yes, that's what Gordon is saying.
23 And I said: But does he know that -- meaning
24 Morrison -- does Morrison know that the President is looking
25 for that? The reason I asked this question is because there

is a -- to me, anyway, it appeared that the flow of information to the President up and down from the National Security Council staff was not working very well.

Q And if you can skip down to August 9th, 2019, at 5:51 p.m., and just read what Ambassador Sondland said.

A I'm sorry. Yes.

Q I believe it says: To avoid --

A 8/9/19. Yeah. Right.

So to avoid misunderstandings, it might be helpful to have Andriy -- to ask Andriy for a draft statement -- that's the one we're talking about -- embargoed -- that he can see exactly what they propose to cover. Even though Zelensky does a live presser, they can still summarize in a brief statement. Thoughts?

And I said: I agree.

Q And then on the next, I guess the next day, August 10th, 2019, Ambassador Sondland says he briefed Ulrich. That's Pompeo's counselor, correct?

A Correct, yes.

Q And then what did you say?

A I said: This came in from Andriy. I suggested we talk at 10 a.m., his 5 p.m. tomorrow.

Q And then is the next line the message that you received from Andriy Yermak?

A Yes.

1 Q Okay. And can you read what your message --
2 A So I forwarded to Gordon this text message from
3 Andriy Yermak: Hi, Kurt, please let me know when you can
4 talk. I think it's possible to make this declaration and
5 mention all these things which we discussed yesterday, but it
6 will be logic to do after we receive a confirmation of date.
7 We inform about date of visit and our expectations and our
8 guarantees for future visit. Let's discuss it.
9 Q Okay. Can you describe the call that you had with
10 Mr. Yermak that he refers to in this message?
11 A Yes. So I discussed with him their making a
12 generic statement. And we talked about fighting corruption.
13 We talked about reform. We talked about making sure that
14 there is no effort to interfere in U.S. elections and that if
15 there was anything in the past it should never happen again.
16 Very much what he drafted and sent to me.
17 Q Okay. Let's go to that. If you could turn to page
18 19, and I believe this is already marked as part of exhibit
19 6.
20 A Okay.
21 Q And if you could jump down to kind of the bottom
22 quarter of the page, August 10th, 2019, at 4:56 p.m., from
23 Mr. Yermak.
24 A Uh-huh.
25 Q Can you read what he wrote?

1 A Yeah. It's the same --
2 Q The same thing?
3 A The same message.
4 Q And that's the message you forwarded to Ambassador
5 Sondland?
6 A That's the message that I forwarded to Gordon,
7 correct.
8 Q Sorry to talk over you. All right.
9 And then if you could skip down to August 10th, 2019,
10 the same day, at 5:42 p.m., what Mr. Yermak wrote.
11 A Right. Andriy Yermak: Once we have a date, we'll
12 call for a press briefing announcing upcoming visit and
13 outlining vision for the reboot of U.S.-Ukraine relationship,
14 including, among other things, Burisma and election meddling
15 in investigations.
16 Q Why did Mr. Yermak add the fact that he was going
17 to include in the statement Burisma and election meddling in
18 investigation?
19 A That is -- I'd have to check the timeline here.
20 That is clearly what he heard from either Rudy or from
21 Gordon, that those were important additions.
22 Q Are those the only two people he may have heard
23 that from, Rudy Giuliani and Ambassador Sondland?
24 A I may have been on a call with all of them at the
25 same time. I don't know. Because I have to check the

1 timeline, because if you remember, Rudy discussed, Rudy
2 Giuliani and Gordon and I, what it is they are looking for.
3 And I shared that with Andriy.
4 And then Andriy came back to me and said: We don't
5 think it's a good idea. So that was obviously before Andriy
6 came back and said: We don't want to do that.
7 Q Okay. We're going to go through the various
8 versions of the statement in a moment.
9 But sticking to this message, is it fair to say that
10 Andriy Yermak and presumably President Zelensky had linked
11 doing this press briefing and making the statement about the
12 investigation to whether or not they were going to get the
13 White House visit? And you appear to be arguing or having
14 some disagreement about which came first, it's a chicken and
15 the egg problem.
16 A Yes, that is correct.
17 Q Can you just explain that a little bit?
18 A Sure. And, again -- well, let me explain first.
19 So the Ukrainians were saying that just coming out of the
20 blue and making a statement didn't make any sense to them.
21 If they're invited to come to the White House in a specific
22 date for President Zelensky's visit, then it would make sense
23 for President Zelensky to come out and say something, and it
24 would be a much broader statement about a reboot of
25 U.S.-Ukraine relations, not just on we're investigating these

1 things.

2 Q All right. So let's go to the next page, page 20,

3 and at the top there, on August 12th, 2019, Mr. Yermak

4 sends -- I presume this is Ukrainian?

5 A I presume it's Ukrainian.

6 Q With a translation below?

7 A With a translation below.

8 Q And what is this? Is this a draft of the statement

9 that they, the Ukrainians, intend to release?

10 A Yes, a portion of it that relates to it.

11 Q Can you read what it says?

12 A It says: Special attention should be paid to the

13 problem of interference in the political processes of the

14 United States, especially with the alleged involvement of

15 some Ukrainian politicians. I want to declare that this is

16 unacceptable. We intend to initiate and complete a

17 transparent and unbiased investigation of all available facts

18 and episodes which, in turn, will prevent recurrence of this

19 problem in the future.

20 Q And there's no mention of Burisma or the 2016

21 election meddling in there, is there?

22 A There is not.

23 [Volker Exhibit No. 8

24 Was marked for identification.]

25

1 BY MR. NOBLE:
2 Q Let's go to page 23, which we're going to mark as a
3 new exhibit, exhibit 8.
4 This appears to be a text message group with Mr. Yermak,
5 Ambassador Sondland, and yourself, correct?
6 A Yes.
7 Q Can you just read this message, all the messages,
8 starting with the third one down, on August 9th, 2019, at
9 2:24 p.m.?
10 A Hi, Andriy. We have all consulted here, including
11 with Rudy. Can you do a call later today or tomorrow your
12 afternoon time?
13 Gordon Sondland: I have a call scheduled at 3 p.m.
14 eastern for the three of us. Ops will call.
15 Kurt: Hi, Andriy. We spoke with Rudy. When is good to
16 call you? Because he hadn't answered.
17 13th, Andriy Yermak: Hi, Kurt.
18 Q I'm sorry, you can stop there.
19 Let's talk about that call with Rudy. Were you on that
20 call?
21 A Yes.
22 Q Who else was on that call?
23 A Gordon Sondland.
24 Q And what did you discuss with Rudy Giuliani?
25 A We discussed the Ukrainians' intention to make that

statement.

Q Did you discuss the specifics of the statement?

A Yes.

Q What did Rudy want in the statement?

A He wanted to hear that Burisma and 2016 elections were included.

Q All right. Let's jump down to the last two messages, August 13, 2019, at 12:11 p.m. What did you write to Mr. Yermak?

A I said: Hi, Andriy, good talking. Following is text with insert at the end for the two key items. We will work on official request.

Q What did you mean by the two key items?

A That is Burisma and 2016 elections.

Q And that's what Rudy Giuliani wanted to be in the statement from --

A That's right.

Q -- the President of Ukraine?

A That's correct. And when I say we will work on official request, Andriy asked whether any request had ever been made by the U.S. to investigate election interference in 2016.

Q A request from the U.S. Department of Justice?

A Yes.

Q Were you aware at that time whether or not the

1 Department of Justice had requested an investigation into
2 either Burisma or election meddling in 2016?
3 A No. That's why I said I will work on that, because
4 I didn't know what the answer was.
5 Q All right. Can you just read the statement that --
6 I assume this is the version that Rudy Giuliani wanted
7 Mr. Yermak to pass on to President Zelensky?
8 A This is a version, yes, that includes -- well,
9 let's be clear. This is a version that inserted Burisma and
10 2016 U.S. elections into the text that Andriy had provided,
11 and it was meant to reflect the conversation with Rudy that
12 we had just talked about, so that he could see what it was
13 that we were talking about.
14 Q Why did Rudy Giuliani want Burisma specifically to
15 be mentioned in President Zelensky's statement?
16 A He said that if they did not mention Burisma and
17 2016 elections that he did not feel such a statement would
18 have any credibility, that there's still no commitment to
19 finding out what happened in the past.
20 Q In your mind, though, you knew --
21 A And it would, therefore, be no different from the
22 previous Ukraine governments.
23 Q You knew Burisma was referring to Hunter Biden,
24 though, at this time, right?
25 A Well, I was aware that he had been a board member,

1 yes.

2 Q And so by calling for an investigation in Burisma,

3 it was essentially calling for an investigation of Biden?

4 A No. In my mind, those are three separate things.

5 There is Bidens; there is Burisma as a company, which has a

6 long history; and there is 2016 elections. And part of what

7 I was doing was making sure -- and why I wanted to make sure

8 I was in this conversation -- that we are not getting the

9 Ukrainians into a position about talking about anything other

10 than their own citizens, their own company, or whether their

11 own citizens had done anything in 2016.

12 Q So that was your interpretation, correct?

13 A Yes.

14 Q You don't know what Rudy Giuliani meant by that?

15 A I don't know what Rudy Giuliani meant by that.

16 Q Or why exactly he wanted Burisma in there?

17 A We can speculate now in hindsight, but --

18 Q And in your conversations with the Ukrainians, did

19 they link Burisma with the Bidens?

20 A They never mentioned Biden to me.

21 Q But when President Trump told President Zelensky he

22 wanted President Zelensky to start an investigation of the

23 Bidens, President Trump -- or President Zelensky understood

24 that to also be referring to Burisma. He said, the company.

25 A Well, as I said earlier, I think what he was doing

1 was exactly what I was doing, was differentiating. President
2 Trump asked about investigating Biden, said work with the
3 Attorney General concerning Biden, and President Zelensky
4 responded by saying, we will look into the company.
5 Q Is that because, in your mind and in presumably
6 President Zelensky's mind, it would be highly inappropriate
7 for President Zelensky to announce that he was investigating
8 the Bidens?
9 A Yes. I'm sure he would not want to have said that
10 or do that.
11 Q Because that would be essentially interfering in
12 U.S. domestic politics?
13 A Correct. I'm not even sure if he thought that far
14 ahead. I think he would have thought this was a former Vice
15 President of the United States, it would be highly political,
16 a politicized thing, it would just be seen that way.
17 Q I'd like to turn to page -- go back to page 43 of
18 your text messages, and I believe that's exhibit 7.
19 So on August 13th, 2019, at 10:26 a.m., you write again
20 that same statement that includes Burisma and the 2016 U.S.
21 elections. Is that right?
22 A Yes.
23 Q This is the message -- you're sending this -- this
24 is the statement and you're sending it to Ambassador
25 Sondland?

1 A That's correct. I wanted to go over it with
2 Gordon, make sure we understood the same thing before I
3 discussed it with -- I assume the timing backs that up, I
4 have to check it -- but before discussing it with Andriy.
5 Q Okay. And Ambassador Sondland, how does he respond
6 when you send him the version of the statement with Burisma
7 and the elections in it?
8 A He says: Perfect, let's send to Andriy after our
9 call.
10 Q Do you know whether Ambassador Sondland had
11 one-on-one phone calls with President Trump during this
12 timeframe?
13 A I believe he had one or two. I don't know any of
14 the details of that.
15 Q Do you know if he had one-on-one conversations with
16 Rudy Giuliani?
17 A That's a good question. I don't know the answer to
18 that.
19 Q Skipping down to a couple days later, August 15th,
20 2019, the message at 7:26 a.m., Ambassador Sondland writes:
21 Hi -- to you -- did you connect with Andriy? And then how
22 did you respond?
23 A I'm sorry, I missed this. The 26th?
24 Q August 15th.
25 A Oh, 15th.

1 Q Sorry. The first -- I just read the first message
2 on August 15th.
3 A Hi, did you connect with Andriy? Yeah.
4 Q And then what did you say?
5 A Not yet. Will talk with Bill and then call him
6 later today. Want to know our status on asking them to
7 investigate.
8 Q Okay. What did you mean by "our status on asking
9 them to investigate"?
10 A Whether we had ever made an official request from
11 the Department of Justice.
12 Q And then skipping down later, you say: Hi -- this
13 is August 17th, 2019, at 3:02 -- Hi, I've got nothing. Bill
14 -- meaning Bill Taylor, correct?
15 A Yes.
16 Q Had no info on requesting an investigation.
17 Calling a friend at DOJ, Bruce Schwartz (ph).
18 Who is Bruce Schwartz (ph)?
19 A Bruce Schwartz is a senior official in the
20 Department of Justice responsible for international affairs,
21 someone I've known for many years.
22 Q Did you reach out to Mr. Schwartz (ph) about
23 mentioning these investigations or whether -- I'm sorry,
24 strike that.
25 Did you reach out to Mr. Schwartz (ph) about whether the

1 U.S. had ever requested an official investigation in Ukraine
2 about these two issues that we've been talking about?
3 A I reached out to him and we did not connect.
4 Q So you never spoke with Bruce Schwartz (ph)?
5 A At this -- not at this -- not in -- well --
6 Q Not in this context?
7 A Not in this context and not since then.
8 Q Did you speak with anyone at DOJ about whether the
9 U.S. had requested an official investigation?
10 A No, I did not. I did ask -- I did ask our Charge
11 to also check. And I later understood that we never had.
12 And because of that was another factor in my advising the
13 Ukrainians then don't put it in now.
14 Q You told the Ukrainians don't put it in the
15 specific investigation?
16 A Yes, yes.
17 Q Did you speak with the Ukrainians about whether or
18 not the U.S. had ever requested an official investigation?
19 A It came up in this conversation with Andriy about
20 the statement, and he asked whether we ever had. I didn't
21 know the answer. That's why I wanted to go back and find
22 out. As I found out the answer that we had not, I said,
23 well, let's just not go there.
24 Q So Mr. Yermak wanted to know whether the U.S.
25 DOJ --

1 A Yes.
2 Q -- had ever made an official request?
3 A Yes. He said, I think quite appropriately, that if
4 they are responding to an official request, that's one thing.
5 If there's no official request, that's different. And I
6 agree with that.
7 Q And then Ambassador Sondland then asked: Do we
8 still want Zelensky to give us an unequivocal draft with 2016
9 and Burisma?
10 A Yes.
11 Q And you responded how?
12 A I said: That's the clear message so far.
13 Q That's the clear message from whom?
14 A From Giuliani and what we had discussed with
15 Gordon. That's the clear message so far.
16 Q That was the message from the White House?
17 A No.
18 Q That was the message from Giuliani and Sondland?
19 A Yeah, from our conversations.
20 Q Who have direct one-on-one conversations with
21 President Trump?
22 A I don't know if they occurred during this
23 timeframe. I know he did speak with him occasionally.
24 Q Skipping down to August 19th --
25 A And when I say that's the clear message so far, I

1 just literally mean that.
2 Q And then -- sorry. I do want to ask you about the
3 next line that you wrote. You wrote: I'm hoping we can
4 get -- can put something out there that causes him to respond
5 with that.
6 What did you mean by that?
7 A Yeah. When I said that's the clear message so far,
8 that means that I have not made up in my mind that this is
9 where we want to go, okay. And then when I say I'm hoping we
10 can put something out there that causes him to respond with
11 that, meaning that we actually have an official request. And
12 if we have an official request through appropriate channels,
13 then it's a reasonable thing for them to respond to. And if
14 we don't have that, then obviously they wouldn't.
15 Q And, to your knowledge, there never was an official
16 United States Department of Justice request?
17 A To my knowledge, there never was. And about this
18 time, I stopped pursuing it as well, because I was becoming
19 now here convinced this is going down the wrong road.
20 Q Got it. And on August 19th, 2019, at 8:56,
21 Ambassador Sondland wrote: Drove the, quote, larger issue
22 home with Yermak.
23 A Yes.
24 Q What did he -- do you have an understanding of what
25 that meant?

1 A Yes. It's what we've talked about earlier. It is
2 the level of trust that the President has with President
3 Zelensky. He has this general negative assumption about
4 everything Ukraine, and that's the larger issue.
5 BY MR. BITAR:
6 Q I'm sorry, Mr. -- Ambassador Volker?
7 A Yes?
8 Q I have a question. You said you were concerned
9 that it would go down the wrong road --
10 A Yes.
11 Q -- if there was not an official Department of
12 Justice request, although even if you didn't know there had
13 been an official request from President Trump to President
14 Zelensky. What do you mean by wrong road?
15 A First off, I didn't know anything about the
16 Presidential conversation which was referencing Vice
17 President Biden. What we're talking about here is pushing
18 the Ukrainians or asking the Ukrainians to include Burisma
19 and 2016 in a statement that they would make.
20 And when it came to saying investigate 2016 elections,
21 you know, was there an effort to interfere, it was rattling
22 in my mind, you know, we've had a number of inquiries about
23 2016 elections and foreign interference, Russia, China,
24 potentially others. And so I thought, you know, before going
25 down this road with the Ukrainians, I should check to see

1 whether there has ever been an official request about that.
2 And when I discovered that there had not been, then I
3 thought, oh, then we should not be going further than what we
4 have done in official channels.
5 Q Just to be clear, because you were unaware of the
6 phone call or the substance of the phone call, when you say
7 there had not been an official request, you mean you were not
8 aware that there had been, for example, through law
9 enforcement channels an official request?
10 A Yeah. When I say official request, I mean law
11 enforcement channels, Department of Justice to law
12 enforcement in Ukraine, please investigate was there any
13 effort to interfere in the U.S. elections.
14 Q Okay. So just one more thing. So in this context,
15 you also mentioned that Yermak had raised concerns that there
16 had not been an official request. So is that correct?
17 A No. He asked whether there had ever been, and I
18 didn't know the answer.
19 Q Okay. Because it seems that in this context,
20 although the President made a personal request, it appears
21 that Rudy Giuliani is personally involved in crafting and
22 ensuring that this public statement by the Ukrainians has the
23 right words in them that refer back to what the President
24 said, which includes Biden, because I think one thing that
25 you've distinguished, which the record doesn't really

1 support, is that Burisma and Biden are somehow different.
2 They're actually the same in the record.
3 That it was actually your caution, perhaps, as well as
4 the Ukrainians' caution, that may not have led to the
5 immediate issuance of a statement, despite the President's
6 effort and Giuliani's effort to get a statement?
7 A Definitely the latter, that their caution and my
8 advising and agreeing with that caution I think led them to
9 never make a statement.
10 Q But in this August -- mid-August timeframe
11 specifically, because there's obviously another effort to get
12 a statement out in September once the military aid has become
13 a public matter, but we'll get to that later.
14 A Okay.
15 Q Thank you.
16 A There's something in the first part of your
17 question, though, that I wanted to comment on.
18 Do you remember what it was?
19 MR. VOLKER: Can you read back the beginning of that
20 question?
21 I remember what it was now, so no need to read back now,
22 but thank you.
23 One of the things that I said in that breakfast that I
24 had with Mr. Giuliani, the only time Vice President Biden was
25 ever discussed with me, and he was repeating -- he wasn't

1 making an accusation and he wasn't seeking an
2 investigation -- but he was repeating all of the things that
3 were in the media that we talked about earlier about, you
4 know, firing the prosecutor general and his son being on the
5 company and all that.
6 And I said to Rudy in that breakfast the first time we
7 sat down to talk that it is simply not credible to me that
8 Joe Biden would be influenced in his duties as Vice President
9 by money or things for his son or anything like that. I've
10 known him a long time, he's a person of integrity, and that's
11 not credible.
12 On the other hand, whether Ukrainians may have sought to
13 influence our elections or sought to buy influence, that's
14 entirely plausible.
15 BY MR. BITAR:
16 Q Just on that point, one last thing. When Giuliani
17 described the Bidens and the company, did he clarify Burisma?
18 A In that conversation he had them -- you know, he
19 had the whole narrative that was in the media.
20 Q Right. And so, therefore, Biden and Biden's son
21 are intimately linked in that narrative to Burisma, correct?
22 A Yeah, in -- yes, that's right.
23 Q Okay, thank you. I just want to make that clear.
24 BY MR. GOLDMAN:
25 Q Ambassador Volker, I want to take a step back for a

1 quick second.

2 A May I just finish answering that question? I'm

3 sorry, there's one more point. I apologize for interrupting.

4 Q Go ahead.

5 A Yes is the answer to your question. That is --

6 that linkage is there in Mr. Giuliani's mind.

7 In my understanding, as I said, I'm separating the two,

8 that there's one thing about the Bidens, there's another

9 thing about Ukrainians trying to do bad things, and it's

10 appropriate to investigate the second.

11 Q Did you have any reason to think that in 2019

12 Burisma was doing anything wrong?

13 A I didn't know enough. I had no reason. I knew

14 they had a track record of a company that had a lot of

15 problems.

16 Q But you knew all their problems were several years

17 ago that were in the media?

18 A Yes.

19 Q So why did you separate them out as if there was

20 some reason that you knew of for Burisma to be investigated?

21 A Well, this is investigating what happened then, not

22 what's happening now.

23 Q I see.

24 All right. I want to take a step back, because I think

25 you testified earlier that President Zelensky was, in your

1 mind, the best hope in 20 years to root out corruption in
2 Ukraine. Is that right?
3 A Correct, correct.
4 Q And he ran on a platform of anticorruption. Is
5 that correct?
6 A Correct.
7 Q And that was his primary core message. Is that
8 right?
9 A That -- he had two. That was one, and the other
10 one was peace, that he was going to be, you know, redoubling
11 efforts, doing anything he could to bring peace to eastern
12 Ukraine.
13 Q Right. And so it was your view that he was a
14 legitimate anticorruption President?
15 A Absolutely.
16 Q Did Bill Taylor share that view with you?
17 A Yes.
18 Q Did the other Ukrainian diplomats in the State
19 Department -- not Ukrainian, the other diplomats who focused
20 on Ukraine share that view as well?
21 A Yes. I'd say to varying degrees. I think some
22 have just been around Ukraine so long, they are just
23 skeptical of everybody. But I'd say for the vast majority of
24 diplomats, especially those in the Embassy who were there
25 soaking up the environment, they were certainly of that point

1 of view.

2 Q So the official message coming from the State

3 Department about Zelensky was that he was a legitimate

4 anticorruption --

5 A Yes.

6 Q -- President. Is that right?

7 A That is correct.

8 Q Okay.

9 A May I also add, importantly, from the Presidential

10 delegation at the inauguration, because we viewed ourselves

11 as having been empowered as a Presidential delegation to go

12 there, meet, make an assessment, and report, and that's

13 exactly what we reported.

14 Q And that's a very good point. And on that

15 delegation was Secretary Perry. Is that right?

16 A Correct, yes.

17 Q And Gordon Sondland?

18 A Yes.

19 Q And they shared that view --

20 A Yes.

21 Q -- of President Zelensky?

22 A Yes.

23 Q So this notion that I think you said earlier, that

24 Rudy Giuliani required mentions of Burisma and the 2016

25 elections, I think what you said is in order to put some

1 credibility on the message?
2 A Yes.
3 Q That flies in the face of official -- the official
4 diplomatic State Department view of Zelensky, right?
5 A That's exactly the problem.
6 Q And, in fact, wouldn't you agree that if President
7 Zelensky actually undertook those two investigations at the
8 behest of President Trump, that that would actually undermine
9 his message of anticorruption?
10 A I don't agree with that.
11 Q Why not?
12 A If things happened in the past that were corrupt or
13 illegal, then President Zelensky is quite appropriately
14 investigating them. If nothing happened in the past, then
15 you don't turn up anything and there's no problem. So I
16 don't see that that is actually undermining him. And,
17 indeed, it was the Ukrainians' own message that they want to
18 clean up Ukraine, find out if anything happened, make sure it
19 doesn't happen again.
20 Q Right. But you may have distinguished Burisma and
21 Biden, but you already testified that Giuliani linked the two
22 and the Ukrainians linked the two, right?
23 A That Giuliani linked the two, yes, as we discussed.
24 I think the Ukrainians were doing the same thing I was doing,
25 is drawing a distinction. Our own company and whether they

1 were trying to influence the U.S. in an inappropriate way, we
2 can look into that. Looking into what Hunter Biden or Joe
3 Biden's relationships were, different issue.
4 Q Well, isn't it true that because of these potential
5 investigations, Bill Taylor, for one, told the Ukrainians to
6 stay out of the U.S. politics?
7 A Yes.
8 Q Right. Did you send that message as well?
9 A Yes, I did.
10 Q And what did you mean by that?
11 A I mean that, for example, although we didn't
12 discuss Vice President Biden, but that is an example of if
13 they had done something like that, that would have been seen
14 very politically and that would have had a ripple effect. So
15 don't do things that are going to play into our elections.
16 Stay out.
17 Q Okay. But you're trying to draw a very fine line
18 here. The message that Giuliani was sending to change the
19 statement was so that they would include an announcement of
20 an investigation into Hunter Biden and Joe Biden. That's
21 what he was trying to do, right?
22 A That's not what it says. I know that may be what's
23 in his mind, I understand that, that may be what's in his
24 mind, but by saying Burisma and 2016, that is a legitimate
25 thing for the Ukrainians to check out.

1 Q But you said you have no reason to believe that
2 there was anything that should have been investigated with
3 Burisma?
4 A No, I didn't say that. Whether any Ukrainians had
5 done anything improper -- and this was a company that had a
6 history of improper things -- that's legitimate for them to
7 investigate.
8 Q Well, why did you counsel Andriy Yermak that
9 Ukraine should not issue the statement that Giuliani wanted
10 to with those two additions?
11 A Because it was the 2016 one that concerned me even
12 more, because we had not made an official request. And so
13 now we're going down the road in talking about a statement of
14 asking them to investigate something or them saying they will
15 investigate something where we have not made such an official
16 request.
17 Q Would you agree that Rudy Giuliani's requests to
18 investigate Burisma and the 2016 U.S. elections were to serve
19 either his or Donald Trump's political interests?
20 A As I understood it at the time, we were all
21 convinced, Rudy -- not Rudy -- Gordon Sondland, myself, Rick
22 Perry, Bill Taylor, that this is someone we very much need to
23 support in Ukraine. His government is going to move in the
24 right direction.
25 Rudy Giuliani was not convinced of that and was no

1 doubt, therefore, continuing to convey a negative assessment
2 to the President through his own contacts with the President.
3 So I'm trying to figure out what would be convincing to you,
4 Rudy, so that he would be conveying a more positive message
5 to the President.
6 Q I understand what you were trying to do and I
7 understand you're trying to protect yourself. What I'm
8 asking is, is it clear to you, as it appears to be here, that
9 Rudy Giuliani was pushing for these two investigations to
10 serve Donald Trump's political interests and not the national
11 interests, not what you were doing, what Rudy Giuliani was
12 doing?
13 A Yeah. In retrospect, when you see the transcript
14 of the phone call and you hear what Rudy Giuliani has now
15 said on television, that's clear.
16 Q But you understand he was tweeting about that and
17 saying that long before the phone call in July and this
18 statement in early August, right?
19 A He was -- he was saying that that is his view. It
20 was not clear to me that he was seeking investigations of
21 that specifically by Ukraine.
22 Q I understand, but that was his view. Then when he
23 asks for those specific investigations, they're part and
24 parcel of the same thing, right?
25 A Well, that's where I'm trying to differentiate and

1 saying, no, don't get out there. And eventually --
2 Q You're trying to differentiate with Ukraine?
3 A With Rudy and with Ukraine, and saying to the
4 Ukrainians, you know, investigating your own people for what
5 things may have happened in the past is reasonable, but the
6 further we talked about it the more I became convinced that
7 even this is not a good idea.
8 Q And it's not a good idea because you understood
9 that it was to serve Donald Trump's political interests, not
10 the national interests of either the United States or
11 Ukraine?
12 A That it would be seen politically here, and that
13 wouldn't be in Ukraine's interests.
14 MR. NOBLE: And Rudy Giuliani publicly tweeted on June
15 21st, 2019, well before the events -- most of the events
16 we've been talking today, quote: New Pres of Ukraine still
17 silent on investigation of the Ukrainian interference in 2016
18 election and alleged Biden bribery of President Poroshenko.
19 Time for leadership and investigate both if you want to purge
20 how Ukraine was abused by Hillary and Obama people.
21 It was publicly known, was it not, that Rudy Giuliani
22 wanted the Ukrainians to investigate Biden to serve the
23 political interests of President Donald Trump?
24 MR. VOLKER: If that tweet was -- I'm not familiar with
25 the tweet, but yes, then that would have been in public.

1 MR. SWALWELL: And finally, Ambassador, I understand
2 your belief that it's okay to look in the past at corruption
3 if that's what the Ukrainians were going to do, but you would
4 agree that Burisma associated with Biden. Biden is a
5 candidate in 2020. You knew that at the time, right?
6 MR. VOLKER: Yes.
7 MR. SWALWELL: Okay. That's the time, so I think a
8 5-minute bathroom break, if that works for you.
9 [Recess.]
10 MR. GOLDMAN: If we're ready, we'll go back on the
11 record. It's 3:38, and it is the minority's 45-minute round.
12 MR. ZELDIN: Ambassador Volker, thanks for your
13 patience.
14 MR. VOLKER: Yes.
15 MR. ZELDIN: Several hours in today answering a lot of
16 questions, much appreciated. Would you say that President
17 Trump in the phone call -- and you've read the transcript and
18 you're familiar with all the parties -- was asking President
19 Zelensky to manufacture dirt on the Bidens?
20 MR. VOLKER: No. And I've seen that phrase thrown
21 around a lot. And I think there's a difference between the
22 manufacture or dig up dirt versus finding out did anything
23 happen in the 2016 campaign or did anything happen with
24 Burisma. I think -- or even if he's asking them to
25 investigate the Bidens, it is to find out what facts there

may be rather than to manufacture something.

MR. ZELDIN: It is not an accurate statement of what the President was asking Ukraine to sum it up as saying that President Trump was asking Ukraine to manufacture dirt?

MR. VOLKER: Yeah, I agree with that. May I add one point, based on the previous round of questioning, if it's all right to take some of your time? I apologize.

MR. CASTRO: Please.

MR. VOLKER: But I just wanted to reiterate, when I had that breakfast with Rudy Giuliani in May, I pushed back on his discussing the Bidens just as they had been in the media, I pushed back on that. And I made that differentiation then, the first time we sat down together, to say: I don't put any credibility in this at all. Whether Ukrainians may have wanted to buy influence in some way, that's another matter, or whether this company was doing anything, that's another matter.

After that conversation, he never brought up Biden or Bidens with me again. And so, when we talked or heard Burisma, I literally meant Burisma and that, not the conflation of that with the Bidens.

So I know that as we look in hindsight, we can see what he's saying and thinking, but I drew from the beginning a very clear distinction. And that is something that I think is important to understand when we're talking about Burisma

1 later on in August what I'm talking about and what I
2 understood us to be talking about together.
3 MR. ZELDIN: Earlier, you referenced the term
4 "readout" --
5 MR. VOLKER: Yes.
6 MR. ZELDIN: -- or what you received after the phone
7 call. Did you receive readouts from both the United States
8 and Ukraine?
9 MR. VOLKER: Yes.
10 MR. ZELDIN: In what form do you receive those readouts?
11 Is this informal? Is it formal?
12 MR. VOLKER: Completely informal conversation.
13 Conversation with Andriy Yermak on the Ukrainian side and an
14 overall readout, overall briefing from Charge Bill Taylor,
15 and from my assistant in the State Department who was
16 traveling to Ukraine with me at the time. And she, I
17 believe, had been in touch with NSC staff to get a cursory
18 readout of the call.
19 MR. ZELDIN: And in no way, shape, or form in either the
20 readouts from the United States or Ukraine did you receive
21 any indication whatsoever for anything that resembles a quid
22 pro quo?
23 MR. VOLKER: Correct.
24 BY MR. CASTOR:
25 Q Any idea why Hunter Biden was able to get this

position with Burisma?

A I don't know any facts in this. I know -- I believe that because Burisma had a reputation for corruption and money laundering that they were trying to spruce up their image, and one way that a company might do that is to put, you know, names on their board that would make it appear, okay, we've cleaned ourselves up.

Q Was Hunter Biden well-known for being an anticorruption leader, businessman?

A No.

Q Do you know if he spoke the relevant languages?

A I don't know. I never met him. I don't know really much about him.

Q Do you know --

A I don't know.

Q It's been reported --

A I'd say that I don't know much about him at all.

Q It's been reported that he was drawing a monthly salary of 50,000 or more. You would agree that that raises some questions, right?

A It's a lot of money.

Q And so the average American and the Americans that all our Members represent, you know, wonder, you know, what were his qualifications? Why, other than the fact that his father is a prominent U.S. official, does he get the

1 opportunity to draw this type of --
2 A Right.
3 Q -- fantastic salary. I mean, over the years, it's
4 millions of dollars if you add it up. So you can understand
5 why --
6 A Of course.
7 Q -- people would have questions?
8 A Of course.
9 Q And if, in fact, he was not performing very many
10 duties for Burisma, if he did not speak the language, if he
11 did not provide any value to the company other than the fact
12 that his father is the U.S. Vice President, that would be
13 evidence of something worthy of investigating, right?
14 A No, this is what I was referring to is that I don't
15 believe that Vice President Biden would be corrupted in the
16 way that he would carry out his duties as Vice President at
17 all. But whether Ukrainians may have sought to buy influence
18 or to believe that they were buying influence, that's quite
19 possible.
20 Q Do you think it's worthy of evaluating like why
21 would -- you know, if somebody takes a no-show job and
22 essentially gets paid for nothing, is that worthy of
23 investigating?
24 A I don't know the answer to that. I'm sure there
25 are lots of examples of things like that where famous names

1 get paid just for their name.
2 Q I mean, this isn't -- you know, this isn't, you
3 know, appointing former Senator Mitchell to somebody's board.
4 You know, Senator Mitchell has experience in good governance
5 and corporate governance issues, correct?
6 A Yes.
7 Q So, to your knowledge, Hunter Biden doesn't have a
8 reputation for corporate governance excellence, does he?
9 A I don't know anything about his background.
10 Q Do you know anything about Christopher Heinz?
11 A That came up earlier, and I was reminded that he
12 was also associated with Hunter Biden and Burisma in some
13 way. I just read that in the media. That's all.
14 Q And then the fellow named Devon Archer (ph)?
15 A I don't know that name.
16 Q You never heard that name before?
17 A If it was in the same media reports, I probably
18 just skimmed right over it.
19 Q Is it common from your experience in the Ukraine
20 that these companies hire U.S. officials in the wake of this,
21 you know, anticorruption reform era?
22 A Yeah. It is -- it's a way of trying to demonstrate
23 cleanliness and credibility, getting some international
24 people on your board because Ukraine has such a bad
25 reputation of its own.

1 Q We should help you get one of those jobs.
2 A No, thank you.
3 Q I am going to leave it there for now.
4 A Okay, thank you.
5 Q Thank you. And flip it back to the Democrats.
6 MR. SWALWELL: Thank you, Ambassador. We're going to
7 have Mr. Noble continue.
8 BY MR. NOBLE:
9 Q Ambassador Volker, I appreciate your patience --
10 A Of course.
11 Q -- with us, but we do have some more questions.
12 A Of course.
13 Q I want to go back to your text messages, and I'd
14 like to turn to the text messages with Rudy Giuliani.
15 MR. NOBLE: And I'm going to mark as the next exhibit,
16 exhibit 9, pages 2 through 9, 2 through 9.
17 [Volker Exhibit No. 9
18 Was marked for identification.]
19 BY MR. NOBLE:
20 Q But I really only -- I think we've covered a lot of
21 the ground regarding how you introduced Mr. Giuliani to
22 Mr. Yermak. I believe that was in July of 2019, correct?
23 A That is correct.
24 Q I kind of want to just turn to the end of these,
25 this message chain, to page 7. And if I can direct your

1 attention just to the bottom of the page there, that's a text
2 message on September 22nd, 2019, and I believe this is from
3 Mr. Giuliani to you. Is that correct?
4 A Yes.
5 Q At the very bottom. And it says: Kurt, thanks for
6 the support. All I need is for you to tell the truth. You
7 called me about Yermak, and I reported back to you and
8 Sondland, e.g., a conference call on August 11th, three
9 others before. Really, this is not hard. Just fair to
10 affirm truth. Rudy.
11 And then, in the next message, he says: Also, Secretary
12 seems not to know you put us together. Straighten him out.
13 I presume he's referring to Secretary Pompeo?
14 A I do too.
15 Q Okay. Let's go back to the first part of the
16 message. What did you understand Rudy Giuliani to mean when
17 he asked you to tell the truth? What was going on at this
18 time? Let's set the scene.
19 A Well, yes, the scene is that, in the days prior,
20 Rudy Giuliani went very public on television, talking about
21 my connecting him with Andriy Yermak, and he was I think --
22 well, let me not speculate on that, but he was asserting that
23 he was doing these conversations and having these meetings at
24 the request of the State Department and reporting back, and
25 he was being directed by the State Department, so he's not

1 just off out there on his own.

2 That's what he was asserting in media appearances. And

3 he was very, very public, you know, and I think, you know,

4 cell phones held up on camera and, you know, text messages

5 tweeted out and feeding these out there. And I was not

6 responding to any of that. And I think he was getting

7 frustrated that I was not responding to any of that because

8 I'm not backing up that story. And so I think he, with a bit

9 of irony, says: Thanks for the support.

10 Q Okay. So he was joking there?

11 A That's the way I took it.

12 Q That's how you took it, okay.

13 A And all I need is for you to tell the truth, which

14 is I called him about Yermak, and I reported back to you and

15 Sondland, et cetera, conference calls. And that is actually

16 accurate. So I did put him in touch with Andriy. They met.

17 He called after the meeting. We had a couple of

18 conversations. That's all true.

19 Q But what was it about what you were saying that led

20 Rudy Giuliani to believe that you weren't fully backing him

21 up?

22 A Well, he was saying that we were directing him and

23 that he was acting on the behest of the State Department to

24 do things. And --

25 Q And if that was the truth, why did he ask you to

tell the truth?

A Well, it's not the truth.

Q Rudy Giuliani was not telling the truth when he was saying that he was acting at the direction of --

A Correct.

Q -- the U.S. State Department?

A Correct. And, again, we went over this earlier, but Andriy asked me to introduce him to Rudy. I asked Rudy if he wanted to be connected to Andriy. And my thought was he's going to get much better information than he's getting from Lutsenko. And he said he did want to be connected, so I facilitated that. But I wasn't giving any direction to him in any way. He did call and report back.

So what he says here, "You called me about, I reported back," et cetera, that's true, but that is not what he was saying in the media, not only that that he was saying in the media. He was saying many, many more things.

Q And the second message from Giuliani: Also, Secretary seems not to know you put us together. Straighten him out. What did you interpret that to mean?

A Well, I'm not sure what it means, because I had spoken with the Secretary and I knew the Secretary knew that I had connected them. So, when he says the Secretary seems not to know, I don't know what he's referring to.

It may be that there was a media appearance that the

1 Secretary made where he did not affirm that, indeed, I had
2 connected them. And so let the Secretary know that I did,
3 indeed, do that.
4 Q So, to be clear, Secretary Pompeo knew that you had
5 connected Yermak to Rudy Giuliani?
6 A Correct.
7 Q When did you inform Pompeo of that? Was it
8 contemporaneous with the introduction?
9 A In -- I don't want to say same day, but we're
10 talking in the same time period.
11 Q So it's fair to say the Secretary was aware of what
12 Rudy Giuliani -- that the fact that at least Rudy Giuliani
13 was communicating directly with Andriy Yermak --
14 A Yes.
15 Q -- the adviser to Zelensky?
16 A Yes, he knew that. I'm -- please go ahead and keep
17 asking, but I can skip ahead to something here if you would
18 like.
19 Q Sure. Why don't you tell us what you would like to
20 tell us. I may have more questions, but I'll let you drive
21 for now.
22 A So, skipping ahead, so the date of these text
23 messages is Sunday, the 22nd of September. I had two missed
24 calls from Rudy on Friday, the 20th of September. These are
25 the dates that are wrong in my long-form testimony, by the

way. They're off by one day.

He tried to call twice on the 20th of September, probably from the green room. I mean, he's constantly in the media. You can't work out in the gym without seeing him on TV. So I did not answer those calls, and I think that's partly why I think he was frustrated.

I did speak the next day with Ulrich Brechbuhl, the counselor of the State Department, to say that, you know, Rudy's way out there. Ulrich called me to say: What's the story here, what's the background? Remind me. Walk me through this again. I had done it earlier in August, and he just wanted to be refreshed. I did that.

Sunday morning, I get all these text messages, this long stream of text messages from Rudy. Some are the first two that you mentioned, and then he continues on saying that he's going to let the Secretary know that he connected, which fine.

And then he's forwarding old messages that I had sent to him to demonstrate to me that he has these text messages, which, of course, I know, he's got them on television. And I did say: Thanks for your help, just the courtesy, you know, of getting together with Andriy.

And then he says: Get out a statement that the State Department connected me to Yermak, and I reported back to State on my conversations. Yermak has talked about this to

1 press, so it's now public information. All I'm asking is to
2 tell the truth. I can send you text chain if you need to
3 check your recollection.
4 And, again, I didn't answer any of these at the time.
5 I spoke with Secretary Pompeo. Gordon Sondland was with
6 him. They were in New York at the UNGA meeting. I was in
7 Washington. Marik String, the acting legal adviser, was also
8 on that call. And I walked the Secretary through, again, you
9 know, the narrative so it was fresh in his mind. And he
10 said: Yeah, I know, I know.
11 Then he said that he had spoken with Rudy himself,
12 gotten a call or called him, I don't know which. I suppose
13 Rudy called him. And he said, what Rudy was concerned about
14 was that we were not affirming that we had connected Yermak
15 and him rather than him just doing it on his own.
16 And I said: Well, that's easy, because on August 22nd,
17 we put out a statement from the State Department saying that
18 Yermak had asked me, and I had put him in touch with Rudy,
19 because it had made media back then.
20 And so he said: Well, then that's great. So why don't
21 you call Rudy back, tell him that, and give him a copy of
22 what was handed out at the time. So I did that.
23 Q And that's what this final message is here?
24 A That's what that final thing is there. It was
25 handed at the State -- in the State Department. It was

1 not -- there was no briefing that day, I believe, or if it
2 was, this was not included in the briefing. But it was
3 prepared, it was cleared, and it was handed to Ken Vogel
4 (ph), who then tweeted it.
5 Q Were you aware that Secretary Pompeo was on the
6 July 25th call with President Trump and President Zelensky?
7 A I was not.
8 Q When did you first learn that?
9 A When he said so. I believe it was yesterday
10 morning.
11 Q So you never had any conversations with Pompeo
12 about that call?
13 A No.
14 Q Did you ever have any, aside from the ones that we
15 were just talking about, conversations with Secretary Pompeo
16 about Rudy Giuliani and what he was up to in the Ukraine?
17 A Yes, yes. I described my concern that he is
18 projecting a damaging or a negative image about Ukraine, and
19 that's reaching the President, and that I am trying to work
20 with Ukrainians to correct that messaging, correct that
21 impression.
22 Q What did Secretary Pompeo do?
23 A Said: I'm glad you're doing it.
24 Q Trying to correct it?
25 A Yes.

1 Q Did he ever say he took your concerns to the
2 President?
3 A He did not.
4 Q Do you know whether Rudy Giuliani and Secretary
5 Pompeo had any direct conversations, one-on-one
6 conversations?
7 A Only the one that I just mentioned, which was
8 around September 22nd.
9 Q I also want to just kind of put a marker down for
10 the record. When was the first time that you spoke with Rudy
11 Giuliani about anything having to do with Ukraine?
12 A Yes. It was in -- earlier in May.
13 Q Yeah. If you flip to page 6, there's a message
14 from May 11th, 2019.
15 A Yes, that would be it.
16 Q Okay. And I'll let you read that and refresh your
17 recollection. And my question is going to be, what was the
18 sum and substance of the conversation you had with Giuliani?
19 A So, on May 11th, I wrote to Mayor Giuliani saying:
20 Mr. Mayor -- hi, Mr. Mayor, Kurt Volker here. Good speaking
21 with you yesterday, which meant May 10th then I must have
22 spoken with him. Call any time up to about 4 p.m. today if
23 you want to follow up. We would like to brief you more about
24 the Zelensky discussion and also Russia-Ukraine dynamic.
25 So I had learned through the media that he was going to

1 go to Ukraine and he was intending to pursue these
2 allegations that Lutsenko had made, and he was going to go
3 investigate these things. And I reached out to him to brief
4 him, a couple of key points. Lutsenko is not credible.
5 Don't listen to what he is saying.
6 Q You told Rudy Giuliani that, that Lutsenko is not
7 credible?
8 A Yes. Yes, I did.
9 Q Okay.
10 A To say that I had met with Zelensky as a
11 Presidential candidate, and I believe he's the real deal, and
12 we should be trying to support him. And, third, I wanted to
13 talk to him about what's going on with Russia and Ukraine so
14 he's aware of that.
15 We spoke briefly on the 10th. It must have been -- I
16 don't have an exact time in mind, but I'm guessing it was 10
17 minutes, something like that. And he had to go. So I texted
18 him the next day, saying: I'm happy to follow up, because we
19 didn't have a full conversation, and he was going to go to
20 Ukraine.
21 And so I said: This number is good for text and cell
22 phone.
23 And he never got back to me, and he canceled his trip.
24 And that's when he announced also he was canceling the trip,
25 that President Zelensky is surrounded by enemies of the

1 United States, which I thought is --
2 Q Was that helpful for U.S. relations with Ukraine?
3 A Certainly not. So that conversation took place and
4 dropped then. Because he didn't go to Ukraine, there was no
5 point in pursuing it any further.
6 Q So, just to be clear, prior to this time, you had
7 not had any conversations, communications with Rudy Giuliani
8 about Ukraine --
9 A No.
10 Q -- prior to May 11th?
11 A No.
12 Q Or the conversation that you had on or about May
13 11th?
14 A No.
15 Q The phone conversation.
16 A This is it.
17 Q Okay. Were you aware, though, that Giuliani was
18 involved in Ukraine, so to speak, prior to this time?
19 A Not at the time. Even at this time, I wasn't aware
20 that he had as many Ukraine connections as it later became
21 apparent that he did.
22 Q Do you know anyone -- do you know somebody
23 associated with Giuliani named Lev Parnas?
24 A Yes.
25 Q Who is Lev Parnas?

A Lev Parnas is a Ukrainian-American businessman. I believe he's based in Florida. And he attended the breakfast that I had with Rudy Giuliani on May 20-whatever, 25th, something like that.

Q And which breakfast was that, May 25th?

A No, no, no, I take it back. Not May 25th. July 19th.

Q Okay.

A I did not have a breakfast with him on May 25th.

Q This is the breakfast at the White House meeting --

A I'm confusing the White House readout after the inauguration as the date. July 19th is when I had breakfast with Rudy, and Lev Parnas attended that breakfast.

Q Who is Lev Parnas? What's his relationship to Giuliani?

A I don't know what their relationship is. They appear to be friends. I assumed that Giuliani brought him along to the meeting because he's Ukrainian-American and, therefore, knows a lot about Ukraine.

Q Do you know if Lev Parnas was doing anything to help Giuliani get introduced to Ukrainian officials?

A I don't know.

Q Do you know anything else about Lev Parnas? Had you had any interactions with him prior to that breakfast

1 meeting?
2 A Never met him before or since.
3 Q Where did you have breakfast?
4 A At the Trump Hotel.
5 Q Why did you have breakfast at the Trump Hotel?
6 A Because I was guessing that's where Rudy was going
7 to be staying, so that would be the easiest thing to do.
8 Q When you met with Andriy Yermak when he was in
9 D.C., where did he stay?
10 A I believe he stayed at the Trump Hotel.
11 Q Do you know why he stayed at the Trump Hotel?
12 A I don't know why.
13 Q Did you ever have any conversations with the
14 Ukrainians about currying favor with President Trump by
15 staying at their property?
16 A I did not, no.
17 Q Did you have any discussions with the Ukrainians
18 about Lev Parnas?
19 A No, I didn't.
20 Q Do you know someone by the name of Igor Fruman?
21 A I read that name in press reports. I don't
22 remember. It's possible he was at the same breakfast, but I
23 honestly don't remember.
24 Q You said that maybe he -- Fruman may have been at
25 the breakfast?

A He may have been there.

Q How many people were at the breakfast?

A I recall Lev Parnas, Rudy Giuliani, and myself sitting at a table. There were two other people at a separate table. And that -- and one of them may have been Igor Fruman or not. I don't know.

Q Did you ever have any conversations with Donald Trump, Jr., about Ukraine?

A I've never met him.

Q Have you ever spoken to him?

A No.

Q What did Lev Parnas or the person that may have been Igor Fruman, at least that you remember, say during that breakfast meeting with Ukraine?

A Sure. I don't remember anything about Igor Fruman. I'm not even sure if he was there. It's possible he was. I just don't know.

Q How about Lev Parnas then?

A Lev Parnas, it was interesting, because I was expecting to have a very negative view of Zelensky and to have a very pro-supportive view of Lutsenko, the prosecutor general. And as we were talking about things, I just kind of like launched in and said: I think these guys are for real. It's a good team. He's assembling some good people. He campaigned on changing the country. I think he's the best

1 hope we've had. I think there's a 3- to 6-month window in
2 which the next 5 years of the Ukraine are going to be
3 determined. And he needs all our support.
4 And, to my surprise, both -- Parnas basically was very
5 knowledgeable about people in Ukraine and events, largely
6 agreed with that. I didn't expect him to agree with that.
7 But he said: Yeah, that's what I think too. He seems to be
8 trying to do all the right things.
9 And then we got to talking about Lutsenko, and I said
10 that: Don't believe what Lutsenko has been saying. I think
11 this is a self-serving narrative to preserve himself in power
12 and protect himself, possibly protect Poroshenko as well.
13 And, again, to my surprise, Rudy agreed with that and
14 said: Yes, I've come to that conclusion too.
15 So he initially believed Lutsenko, but I think had
16 distanced himself from that after that, maybe because
17 Lutsenko had then come out and disavowed his own allegations
18 from earlier in the year.
19
20
21
22
23
24
25

1 [4:07 p.m.]

2 BY MR. NOBLE:

3 Q And we talked about that earlier.

4 A Yes.

5 Q All right. I think I want to switch gears a little

6 bit and ask you about some other messages. If you could turn

7 to page 26. And we're going to mark pages 26, 27, and 28 as

8 exhibit 10.

9 [Volker Exhibit No. 10

10 was marked for identification.]

11 BY MR. NOBLE:

12 Q And on page 26, I'd like to direct your attention

13 to the first entry for May 26, 2019.

14 A Yep.

15 Q So can you set the scene --

16 A Yes.

17 Q -- you know, as of May 26th?

18 A Yes.

19 Q What was going on?

20 A Very happy to. So our -- let's get the sequence

21 here. Our ambassador to Ukraine had departed post.

22 Q That's -- your ambassador, Ambassador Yovanovitch?

23 A Ambassador Yovanovitch. She had departed. I was

24 there for the presidential inauguration with the others that

25 we discussed. I had the meeting in the Oval Office with the

President. And I was concerned that we were not going to have a serious senior diplomat on the ground in Ukraine once Ambassador Yovanovitch had left. We were getting a brand-new DCM later that week who had not served in Ukraine before, so completely new, and I, therefore, thought it was important that we get a seasoned diplomat in there. And I suggested Bill Taylor because he had been ambassador there before, he knew the country, he knew the players, he had a lot of experience, and he could go on a temporary basis as a Charge while we appointed a new ambassador.

So I discussed this with Bill. He was reluctant. I don't want to -- I don't want to over-characterize his reasons, but, you know, being on the outside and seeing the administration, he was not sure if we would maintain as robust a support for Ukraine as we had had for the past 2 years.

I had been fighting for this every day and we had, I think, a very strong policy, but he was just worried it was going to get undermined at some point.

Q What did -- did he say what he thought would undermine?

A He didn't say specifically. It was more a generic fear, but I think hanging over everyone's head on the expert community is, is there some grand bargain with Russia where we throw Ukraine under the bus.

1 And I kept assuring him, Bill, I've been at this, and
2 it's been the other way around. We have strengthened our
3 support for Ukraine. We have lift -- we have increased
4 sanctions, we have lifted the arms embargo. We did the
5 Pompeo declaration on nonrecognition of Crimea. We've been
6 more vocal about Russia's aggression. We are on track here,
7 and it's important that we have people in there fighting to
8 do that.
9 So that was the nature of our back-and-forth, talking
10 about whether he would agree to be a Charge.
11 Q How did -- just pausing for a second. How do you
12 reconcile that, the fact that all these measures were being
13 taken while you were special envoy to Ukraine to, as you say,
14 strengthen the relationship, strengthen Ukraine, build up
15 Ukraine so that it could defend itself against Russia, as you
16 say, with weapons that you believe they needed in order to
17 either deter an attack or fight the war that's ongoing?
18 How do you reconcile that with the decision to freeze
19 military assistance, hundreds of millions of dollars of
20 military assistance to Ukraine? Why did that not strike you
21 as highly problematic to U.S. national security, or to our
22 national security interests?
23 A It did strike me as problematic, and therefore, I
24 acted immediately to argue that this has to be reversed and
25 we have to keep the assistance going.

1 Q And I believe you testified that everyone in the
2 interagency from the NSC, to DoD, to the official State
3 Department position, everyone supported that funding going to
4 Ukraine, correct?
5 A That's correct. It was OMB that announced in the
6 interagency meeting that there was a hold --
7 Q Okay.
8 A -- or a review.
9 Q And I believe you said the first time you learned
10 about that was -- well, actually, it's in the text messages.
11 I believe it might have been Bill Taylor said there was a
12 SVTC.
13 A Yes.
14 Q A secure conference call from OMB announcing the
15 freeze in July?
16 A July 18.
17 Q July 18th. Oh. And do you know who at OMB was
18 responsible for the freeze, or for implementing the freeze,
19 or communicating the freeze to the interagency?
20 A Yeah, I don't know. I didn't attend the
21 interagency meetings. I typically did not.
22 And it was a sub PCC meeting, which is typically deputy
23 assistant secretary level.
24 Q Did you attend the sub PCC meeting?
25 A No.

1 Q Let's go back to your text messages, page 26. So
2 let's pick up where Bill Taylor says -- and I believe he's
3 talking about his decision whether or not to --
4 A Correct.
5 Q -- I guess --
6 A To accept the job.
7 Q -- to accept the job as ambassador to Ukraine. "I
8 am still struggling with the decision whether to go. Can
9 anyone hope to succeed with the Giuliani-Biden issue swirling
10 for the next 18 months? Can S," meaning Secretary Pompeo,
11 "offer any reassurance on this issue?"
12 What do you think he meant by the Giuliani-Biden issue?
13 And just to recall, we're talking -- we're talking about
14 May 26, 2019, which is approximately 2 months before
15 President Trump's phone call with President Zelensky when he
16 urged President Zelensky to investigate the Bidens. What was
17 Bill Taylor referring to here?
18 A He was referring to what he had seen in the media
19 about Giuliani talking about Hunter Biden and whether Vice
20 President Biden had acted inappropriately in attacking the
21 former Prosecutor General Shokin.
22 Bill was at this time not in the U.S. government. He
23 was working at USIP, so he's just referring to the -- what's
24 out there in the media swirl.
25 Q Did you have discussions with Bill Taylor about his

1 concerns about what Giuliani was saying in the media about
2 Ukraine needing to investigate the Bidens?
3 A Yes.
4 Q Aside from this text message?
5 A Yes. Aside from the -- yes, I did, because in
6 conversations about whether he would take the job, I would
7 reiterate, "Look, Giuliani does not represent the U.S.
8 government. Don't worry about that. We are actually
9 getting -- we have our policy in the right place, and we need
10 people in the U.S. government to actually be continuing to
11 push for the right policies."
12 Q And what did he ultimately decide, Bill Taylor?
13 A He did decide to take the job, after we had a
14 meeting with Secretary Pompeo and Ulrich Brechbuhl and Bill
15 and myself to discuss our policy. Bill wanted to be
16 reassured that the Secretary of State is saying the same
17 thing that I'm saying about where our policy is, that we are
18 robustly in support of Ukraine. And, of course, Secretary
19 Pompeo did that.
20 Q And later in this text message exchange, you tell
21 Bill Taylor, this is 5/26/19 at 11:23, "Let's see how it
22 looks on Tuesday. I don't know if there's much to do about
23 the Giuliani thing, but I do think the key thing is to do
24 what we can right now since the future of the country is in
25 play right now."

A Yes.

Q Which country were you referring to?

A Ukraine.

Q And what did you mean by this when you were telling this to Bill Taylor?

A Yeah. So I say there's not much to do about the Giuliani thing. He's going to be out there speaking publicly and saying what he says no matter what. We can't fix that. That's going to happen.

But we can right now -- you know, the key thing is what we can do, meaning those of supporting United States and U.S. interests, what we can do, since the future of Ukraine is in play right now. We have a new president, there's going to be a new parliament, a new government, and it's going to be a dicey time. I was trying to encourage him to accept the position.

Q But isn't there something that the Secretary of State could have done about Giuliani? Are you telling us that Secretary of State Pompeo was helpless to stop Giuliani from interfering with official U.S. diplomacy in Ukraine?

A Honestly, yes. I'm sure he could have called Rudy Giuliani, but would Rudy Giuliani stop doing what he's doing because the Secretary of State calls him? I'd be surprised.

Q What if President Trump had called Giuliani and said to knock it off?

1 A Because they had a different relationship, attorney
2 for the President, then perhaps.
3 Q Do you know whether Secretary Pompeo ever discussed
4 Rudy Giuliani with President Trump?
5 A I don't know.
6 Q Specifically, Giuliani's efforts in Ukraine?
7 A I don't know whether he did.
8 MR. SWALWELL: Just real quick. When you say "attorney
9 for the President," you mean attorney for Donald Trump,
10 right, not the Office of the President?
11 MR. VOLKER: Yes. Yes, that's what I mean.
12 MR. SWALWELL: Thanks.
13 MR. VOLKER: Personal attorney. Thank you.
14 BY MR. NOBLE:
15 Q And you mentioned a meeting that you had with
16 Secretary Pompeo and his counsel, Ulrich Brechbuhl, and Bill
17 Taylor?
18 A Yes.
19 Q You were discussing whether Bill Taylor --
20 A Yes.
21 Q -- should take the job. What, if anything, was
22 discussed about Rudy Giuliani in that meeting?
23 A I don't recall that that actually came up. I think
24 it was more about can we be sure that the policy will remain
25 the same, you know, sanctions, arms, et cetera.

Q So did the Bidens or an investigation of the Bidens come up in that conversation?

A No, no.

Q So the Rudy Giuliani issue, as you call it, didn't --

A Yeah.

Q -- come up at all?

A No. I don't recall that coming up at all.

And just reading on, so Bill is saying, "You're absolutely right. We need somebody there. Why don't you be Charge?"

Q To you, right?

A To me, right.

Q And did you want that job or no?

A I did not want that job.

Q Why didn't you want that job?

A Personal reasons. Part of it, as you know, I'm getting married on Saturday, and I --

Q Congratulations again.

A -- and I wanted to be here. Thank you.

And also I felt I was more effective doing the special envoy position, because there you can engage with the interagency, you can engage with the allies, you can engage with NATO, you can engage with the EU. It's a much broader range of things that you can do from there, rather than being

1 on the ground in Ukraine.
2 Q Can we go to page 27, just hit this quickly?
3 There's a text message exchange on July 8, 2019, at about
4 9:14 a.m.
5 A I'm sorry. What page again?
6 Q Page 27.
7 A Yes. And --
8 Q 7/8/19 at 9:14.
9 A Yes.
10 Q And you say, "Zelensky was on board. Bohdan was
11 skeptical"?
12 A Uh-huh.
13 Q What were you talking about here?
14 A That refers to seeking to schedule a presidential
15 phone call.
16 Q Okay. "And worried that a call substitutes for a
17 visit. I pulled the two of them aside at the end and
18 explained the Giuliani factor."
19 A Yes.
20 Q What did you mean by "Giuliani factor," and who
21 were you explaining the Giuliani factor to?
22 A I explained it to President Zelensky and the Chief
23 of Presidential Administration, Andriy Bohdan, was standing
24 next to him. And I explained that I thought that there is a
25 negative narrative about Ukraine that is counteracting all

1 the good things that he is doing, and that we are officially
2 communicating back, and that this is being amplified by Rudy
3 Giuliani. So this is a negative factor for Ukraine's image
4 in the United States and our ability to advance the bilateral
5 relationship.
6 MR. SWALWELL: And, Ambassador, 17 days after you
7 explained that, we now know, you know, the phone call readout
8 from the White House of the call between President Trump and
9 President Zelensky.
10 How do you think President Zelensky reconciled what you
11 had told him about 17 days earlier and what he would hear
12 from the President, which was, in fact, the person -- one of
13 the persons you should follow up with is Rudy Giuliani? Was
14 that confusing?
15 MR. VOLKER: I don't know, yeah, because I was not aware
16 of the content of that phone call. President Zelensky and
17 Andrey Yermak never mentioned that to me, so I don't know.
18 MR. SWALWELL: But would that undermine what you're
19 telling President Zelensky just 17 days earlier, that he has
20 a more elevated role than what you are telling him?
21 MR. VOLKER: I actually -- I hadn't thought about it,
22 you know, in this context before, but as I think about it, it
23 was probably very helpful that I had told this to President
24 Zelensky when I did so that when he heard this from the
25 President, he was forewarned, right, there's a Giuliani

1 problem here.

2 MR. SWALWELL: Right. But with all due respect,

3 Ambassador, as you said earlier, any time the President of

4 the United States asks any other foreign leader, because of

5 the weight of the United States, whether you have forewarned

6 Zelensky about Giuliani or not, the fact that the United

7 States President is giving Mr. Giuliani this status, that

8 would be important for Mr. Zelensky, right?

9 MR. VOLKER: I suppose it would.

10 BY MR. NOBLE:

11 Q Going back to page 28, if you can flip to the

12 bottom portion on August 26, 2019, at 11:05 p.m. Do you see

13 that --

14 A Yes.

15 Q -- where Bill Taylor says, "When you briefed

16 Bolton, did you recommend he see Yermak?"

17 What was he asking about there? This is August 26th,

18 leading up to --

19 A Yes.

20 Q -- the summit in Warsaw -- or the World War II

21 Memorial --

22 A Yes, yes.

23 Q -- in Warsaw.

24 A So I had a phone call briefing with John Bolton

25 before his trip to Ukraine to just make sure he was

1 up-to-date, because he was going to be visiting there. And
2 Bill asked me if I recommended that he see Yermak.
3 Q While --
4 A While visiting Ukraine.
5 Q While Bolton was in Ukraine?
6 A Yes. He was going to see the President; he was
7 going to see Danylyuk, who was technically his counterpart.
8 Context: Danylyuk's star within the Zelensky orbit was
9 fading at this point, and he's since resigned, and Yermak's
10 star was up.
11 Q And just out of curiosity, do you know whether
12 Danylyuk resigned or was fired? Was he pushed out?
13 A I believe he resigned. I haven't spoken with him
14 since he resigned. He did -- he did send me a text message
15 before this testimony today to wish me well, but I haven't
16 spoken with him.
17 Q Okay.
18 A But my understanding is that he became very
19 uncomfortable with the visibility of this oligarch, Igor
20 Kolomoisky (ph), in recent months in Ukraine.
21 Q Who became uncomfortable?
22 A Danylyuk became uncomfortable with it, and did not
23 want to continue in his duties if he thought that this
24 individual is having too much freedom of maneuver in Ukraine.
25 Q Can you explain a little bit more about the nature

1 of his concerns about Kolomoisky?

2 A Yes. So Igor Kolomoisky is one of the handful of

3 very, very, very wealthy Ukrainians. Together, if you

4 include influence over state-owned industry as well as

5 privately owned things, they probably control at least

6 20 percent of the GDP, and it is all the GDP that matters; so

7 energy, energy distribution, infrastructure, defense

8 industries, coal and steel production, transportation, you

9 name it, media, especially, they have got it.

10 And Kolomoisky had a bank called Privat Bank (ph), and

11 that bank made a number of bad loans, $5 billion worth, to --

12 it disappeared and -- basically to him and his other leaders

13 of the bank, and it was nationalized. And the Ukrainian

14 taxpayer officially is bailing out the bank for the money

15 that Kolomoisky stole.

16 Because the IMF provides budgetary support to Ukraine,

17 we actually ended up bailing out this bank.

18 And he was being pursued by President Poroshenko. He

19 was living in exile in Switzerland, and then moved to exile

20 in Israel.

21 He is subject to a civil suit in Delaware now over this

22 bank as well.

23 The courts in Ukraine -- just before the presidential

24 election, the courts in Ukraine had a finding that the

25 nationalization of the bank that had been done was not done

1 properly, and that opened the possibility of restoring the
2 bank to Mr. Kolomoisky, and possibly even paying
3 compensation.
4 Q Okay. I don't mean to cut you off. I mean, we
5 don't have -- I don't want to keep you here all night --
6 A Okay.
7 Q -- so I'd like to keep going on.
8 A But anyway, you get the nature --
9 Q Kolomoisky went back to Ukraine after Zelensky was
10 elected. Is that fair to say?
11 A Yes. After Zelensky was elected, he returned to
12 Ukraine, he visited some of his businesses, he gave media
13 interviews, he played a very visible public role. And the
14 Privat Bank issue has still not been definitively resolved.
15 And I think Danylyuk was becoming increasingly concerned
16 that this is giving the appearance -- also there's a
17 photograph of Kolomoisky meeting Zelensky in Zelensky's
18 office that was released by the presidential administration;
19 transparent, but still a bad sign. So Danylyuk, I think,
20 left for all of these reasons.
21 Q Okay. Back to your text messages.
22 A I'm sorry to get on a tangent.
23 Q That's okay.
24 Back to your text messages. 8/27/2019 at 7:34, Bill
25 Taylor wrote: "Bolton said he talked to you and Gordon

1 briefly." That's Ambassador Sondland. "Nothing specific.
2 What should they talk about? Tim says Bolton wants to stay
3 out of politics."
4 Tim, who is that?
5 A Tim is Tim Morrison, who is the Senior Director for
6 Europe at the National Security Council.
7 Q And what did you understand it to mean when Bolton
8 wanted to stay out of politics? Is that a reference to
9 the --
10 A Yeah.
11 Q Administration's -- or to Trump and Giuliani's
12 efforts to get Ukraine to open the investigations we've been
13 talking about?
14 A Yeah. It's not clear. I think it may have been
15 more about Giuliani's role generally.
16 Q Did you have any conversations with National
17 Security Advisor Bolton about Giuliani?
18 A I did back earlier in August.
19 Q And what did you say to him and he to you?
20 A Basically the same as with Secretary Pompeo: "I
21 want you to know Giuliani's out there spinning these
22 narratives. I'm concerned that this is affecting the
23 President's views of Ukraine."
24 I'm trying to work with Ukrainians, and they are trying
25 to communicate a message back to Bolton to convey that they

1 are actually a different crowd, not from 2016, not corrupt,
2 so that positive message gets back to the President. So I
3 explained all that to Bolton.
4 He did not engage on that, by the way.
5 Q He did not engage on that?
6 A He did not.
7 Secretary Pompeo, as I said, "Good. I'm glad you're
8 doing that."
9 Bolton just kind of said, "Okay."
10 Q Was Bolton on the July 25th call, do you know?
11 A I don't know.
12 Q At the end here -- so we're -- on September 1st is
13 when the meeting in Warsaw occurred, correct?
14 A With the vice president.
15 Q With the vice president. And I'll get to that, but
16 here at the very end, you wrote, Kurt -- or Bill Taylor wrote
17 to you, "Kurt, can you WhatsApp Defense Minister" -- oh,
18 wow -- Zagor --
19 A Zagorodnyuk.
20 Q "We just met to discuss the pause in security
21 assistance. He would like your advice and assistance."
22 So at this point, the Ukrainians were clearly aware --
23 A Right.
24 Q -- of the freeze. Is that right?
25 A That's right.

Q Okay. And did you have a conversation with the Ukrainian defense minister about the freeze?

A Yes, I did.

Q What did you say to him and he to you?

A I said that everyone in Washington is trying to figure this out and fix it: Pentagon, State Department, NSC, and even in Congress. I had done some staff meetings with the Armed Services Committee, Senate Armed Services Committee.

And in terms of advice, I suggested that he called Secretary of Defense Esper, that he's a brand-new defense minister. He should establish a counterpart relationship, and give a call and express his concern about this, and empower Esper to raise this issue.

And I also suggested that he plan an early visit to Washington when Congress is in session, so that he could meet both with Esper, or if Esper's not in town, whoever is there from the Pentagon, but also have a chance to meet with Members of Congress.

Q And do you know whether he reached out to Secretary Esper?

A He did.

Q He did? Do you know what they talked about or what the conversation was about?

A I did not get a readout on the call. I'm not sure

when the call took place. I have a feeling it was after a delay.

Also, somewhere in here I texted him a letter that several Senators signed to Chief of Staff Mulvaney urging -- saying that they had heard that there was a hold, and urging that there not be such a hold.

Q Do you know who else was on that letter?

A I believe it's in here somewhere. I know -- here it is. Very good. Page 32 and 33. Senator Shaheen, Senator Durbin, Senator Blumenthal, Senator Portman, and Senator Johnson, and it was addressed to the Director of OMB, Mick Mulvaney, in that capacity and copied to Secretary Pompeo and Secretary Esper.

Q So I want to skip to page 56. And I think that is a new exhibit I have to create. So this will be Exhibit 11, and it will be pages 54 through 57.

[Volker Exhibit No. 11
was marked for identification.]

BY MR. NOBLE:

Q And, again, to page 56, I want to direct your attention to August 29th, 2019.

A Yes.

Q The message starting at 5:02, where you write: "Trump not going to Warsaw now. Pence going. I'm so sorry."

Who are you telling this to?

A This is Vadym Prystaiko, who was the diplomatic advisor to President Zelensky. He had been ambassador to -- Ukraine's ambassador to NATO, was tapped to be diplomatic advisor. He is currently the foreign minister.

Q Do you know why President Trump decided not to go to Warsaw?

A The hurricane news. There was a possibility of a hurricane hitting Florida, and he cancelled his trip for that stated reason.

Q Do you know for a fact that's why he cancelled it or was that the stated reason?

A That -- that's the only reason that's been given.

Q And President Trump was supposed to meet with President Zelensky in Warsaw. Is that right?

A That's correct.

Q And had you been working leading up to that meeting? Had you been working to arrange that meeting?

A I had been pushing for the two of them to get together from May; that I sincerely believed that once President Trump sat down with President Zelensky, he would have the same conclusion that this is someone we can work with, as I had when I met with him.

Q Did you attend the meeting in Warsaw?

A No.

MR. NOBLE: Is it time's up? Okay. I see. My time's

1 up, so I'll --

2 MR. VOLKER: Okay.

3 MR. CASTOR: Might be possible -- should we take a break

4 or keep going?

5 MR. SWALWELL: I prefer to keep going.

6 MR. VOLKER: I'm okay.

7 MR. CASTOR: Okay. Keep going?

8 Do you have any questions at this time?

9 MR. PERRY: I don't.

10 MR. MEADOWS: As long as we have at the end where we can

11 come back and do a round.

12 MR. SWALWELL: Sure.

13 MR. CASTOR: We might have couple of things here. I

14 don't think it's worth turning over.

15 MR. MEADOWS: He is getting married on Saturday.

16 MR. NOBLE: We won't be here on Saturday.

17 MR. VOLKER: Thank you.

18 BY MR. NOBLE:

19 Q So did -- I'm sorry. I think I was asking you, did

20 you attend the Warsaw meeting?

21 A And that's correct. And I did not.

22 Q You did not. Did you get a readout from that

23 meeting about the meeting between Vice-President Pence and

24 Zelensky?

25 A Not much of one, actually. Very, very sketchy. I

1 did not get much of a readout at all.

2 MR. SWALWELL: Ambassador, with respect to the Warsaw

3 meeting, with a high-level official like the Vice President

4 meeting with the President of Ukraine, is that a meeting you

5 would typically be in?

6 MR. VOLKER: Depends. I had just been traveling for

7 about a week prior to that, including to Ukraine, and I had

8 some scheduling conflicts. And with the Vice President going

9 there and not being part -- manifested on the delegation to

10 the Warsaw, whatever it is, anniversary of World War II, it

11 just wouldn't have been possible to attempt.

12 MR. SWALWELL: Did you prepare the Vice President for

13 that meeting?

14 MR. VOLKER: I did not.

15 MR. SWALWELL: Do you know who did prepare the Vice

16 President for that meeting?

17 MR. VOLKER: I assume his staff prepared him and the NSC

18 staff.

19 MR. SWALWELL: So are you aware of any State officials

20 who were a part of the preparation for that meeting?

21 MR. VOLKER: I'm not aware. I would think that there

22 would have been some contact with the State Department, but

23 I'm not aware of who would have done that.

24 MR. SWALWELL: Was Bill Taylor at that meeting?

25 MR. VOLKER: I don't believe so.

1 MR. SWALWELL: How about Ambassador Sondland?
2 MR. VOLKER: I believe he was, but I'm not sure.
3 MR. SWALWELL: Again, I guess, is it -- it strikes me as
4 unusual that you would not be -- and I understand the travel
5 issue, but, again --
6 MR. VOLKER: Yeah.
7 MR. SWALWELL: -- the Vice President of the United
8 States --
9 MR. VOLKER: I know.
10 MR. SWALWELL: -- standing in for the President, is it
11 unusual that you were not more a part of that meeting at
12 least in the preparation?
13 MR. VOLKER: In Munich, in February of -- I guess it was
14 February of this year, February 2019, Vice President Pence
15 led the administration delegation to the Munich Security
16 Conference, and I was there. I had asked to be included in
17 his meeting with President Poroshenko, and I was not included
18 in that meeting.
19 MR. SWALWELL: Whose decision was that?
20 MR. VOLKER: The Vice President's staff, the Vice
21 President or Vice President's staff.
22 MR. SWALWELL: Who informed you that you would not be --
23 MR. VOLKER: Someone working on his staff at the time.
24 MR. SWALWELL: Do you know who that was?
25 MR. VOLKER: Gabrielle. I don't remember the last name.

1 MR. SWALWELL: Okay. Sorry. Keep going.

2 MR. VOLKER: But in any event, I was not included in

3 that meeting. And I my understanding is that the Vice

4 President likes to keep his meetings very, very small.

5 So when it was the Vice President going, flying from the

6 U.S., I'm heading back -- or had just headed back to the

7 U.S., I didn't really push for it.

8 MR. SWALWELL: But would there typically be coordination

9 among State and the Vice President's office for a high-level

10 meeting like that --

11 MR. VOLKER: Yes.

12 MR. SWALWELL: -- what the priorities are?

13 MR. VOLKER: Typically there would be.

14 MR. SWALWELL: So you don't know who briefed the Vice

15 President on what the meeting should entail?

16 MR. VOLKER: I don't. I don't. I mean, it was a last

17 minute swap-in. It was going to have been the President.

18 The President declined, sent Pence instead.

19 MR. SWALWELL: Was there a readout of the meeting?

20 MR. VOLKER: As I said, I barely got any readout of the

21 meeting.

22 MR. SWALWELL: What readout did you get?

23 MR. VOLKER: Essentially that it went well, that

24 concerning security assistance, the Vice President did not

25 have an answer to lifting the hold. So he said, Whatever the

1 decision ultimately is, rest assured that we stand side by
2 side with Ukraine, we support you, and that he would advocate
3 for a meeting with the President when he got back.
4 MR. SWALWELL: Who gave you the readout?
5 MR. VOLKER: I don't honestly remember now. The logical
6 person would have been my assistant at the State Department,
7 Catherine Croft.
8 MR. SWALWELL: And do you know if it was orally or
9 electronically or --
10 MR. VOLKER: Yes, orally, orally.
11 MR. SWALWELL: And did you seek to obtain any more
12 information post readout just so you knew how to deal with
13 your Ukrainian counterparts?
14 MR. VOLKER: I didn't. I figured that that's about as
15 much as I needed to know. I know a lot more.
16 MR. SWALWELL: Let me go back to Mr. Noble.
17 BY MR. NOBLE:
18 Q And in terms of readouts, you got a readout --
19 that's the readout on the U.S. side, but in your text
20 messages, you seem to get a readout from the foreign minister
21 of Ukraine, Vadym?
22 A Yes. He repeated that same line of -- I don't --
23 maybe you know where it is in the timeline here.
24 Q Sure. So on September 1st, 2019, at 1:27. This is
25 page 56.

A Yes.

Q I'm just going to call him Vadym, if that's okay.

A Yes, yes. Vadym.

Q He writes: Have to recognize it was a good meet. Nobody was rushing. Seems the chemistry was there. It could easily be a very successful meeting with POTUS. However, on assistance side, it did not become clear, quote, "regardless of the decision, you have to know that the U.S. is staying strong next to UA in its war against.."

So help interpret that for us.

A Right. So I texted Vadym -- thank you for reminding me, because I had forgotten this -- How was Pence meeting?

And Vadym Prystaiko, who is on the verge of being the foreign minister, if not the foreign minister on this day, says: "Have to recognize it was a good meet." So it was a good meeting. "Nobody was rushing. Seems the chemistry was there. It could easily be a very successful meeting with POTUS," meaning that if we have a President Trump-President Zelensky meeting, Vadym is convinced that would go well.

Q Okay. So just to set the table, at this point in time, September 1st, 2019, the security assistance funds to Ukraine was frozen. The Ukrainians were aware of it.

A Yes.

Q You were still, and the Ukrainians were still

1 pushing for a White House meeting.
2 A Yes.
3 Q And then they -- there's this meeting with Vice
4 President Pence --
5 A Yes.
6 Q -- and the President of Ukraine. And Vice
7 President Pence can't tell the Ukrainians why the funds are
8 being frozen?
9 A Right.
10 Q And can't commit to a White House meeting for
11 President Zelensky?
12 A He couldn't give a date for the meeting with
13 President Zelensky, but he undertook to support such a
14 meeting.
15 Q At this point in time, had the Ukrainians committed
16 to putting out the statement by President Zelensky about
17 Burisma and the 2016 elections?
18 A No.
19 Q So we had talked about that before, the statement
20 that we were going back -- you were going back and forth on.
21 A Yeah.
22 Q Whatever happened to that statement?
23 A It died. I mean, no one -- once we started seeing
24 a tempo of engagement with Ukraine, we had first the sense
25 that Rudy was not going to be convinced that it meant

1 anything, and, therefore, convey a positive message to the
2 President if it didn't say Burisma and 2016.
3 I agreed with the Ukrainians they shouldn't do it, and
4 in fact told them just drop it, wait till you have your own
5 prosecutor general in place. Let's work on substantive
6 issues like this, security assistance and all. Let's just do
7 that. So we dropped it.
8 And -- so by this time, there's -- I'm not actively
9 discussing that with anybody anymore.
10 Should we continue or --
11 Q Yeah. And then -- yeah. Just the next line, you
12 say, "Good grief."
13 A Yes.
14 Q "We need to get our side sorted out on the
15 assistance."
16 A That's much more -- that's much more like me than
17 saying, "Damn Date."
18 Q "We need to get our side sorted out on the
19 assistance," meaning the assistance to Ukraine that had been
20 frozen, correct?
21 A Yes.
22 Q "But glad the meeting was good overall. Still
23 working for the White House visit." Right?
24 A Yes.
25 Q Okay.

A I think that's clear.

Q And at this point in time, you still did not know why the funds supporting Ukraine were being frozen?

A To this day, no reason has ever been given.

Q Can we go to page 54, at the very bottom? I just want to ask you a couple more things about --

A Sure.

Q -- your messages with the foreign minister.

A At this time, diplomatic advisor to the President.

Q When did he -- just so I know going forward, when did he become foreign minister?

A Around -- once the government -- so the parliament had to be seated, which took place, I believe, on September 1st. And then once the parliament was seated, then they could vote in the ministers. And so somewhere around 1st, 2nd, 3rd, he would have been voted in.

Q Okay. And going back to the statement that you said the Ukrainians dropped, did they do that because Zelensky never got a date for a White House meeting?

A No. They did it because we agreed it just wasn't a good idea, it's not productive.

Q So at the very bottom here, Vadym says, "Thank you. It was important contact. I must admit, I felt that you sugarcoated a message on a visit, or the message I got earlier was not correct. The visit went well. He is fast

1 learner and adapts constantly. Frankly, this one was
2 expectedly easy and friendly. Will introduce him to tougher
3 ones gradually. What was your reading?"
4 Can you set the scene for us? This is July 4th, 2019.
5 What was going on?
6 A So I met with President Zelensky on the previous
7 day, July 3rd. This was in Toronto. There was a conference
8 hosted by the Canadians on supporting Ukrainian economic
9 reforms, and I led the U.S. delegation.
10 And I had this meeting with President Zelensky. And
11 Prystaiko, I asked him what his take was on the meeting. He
12 said, "Thank you. It was important contact. I must admit, I
13 felt that you sugarcoated a message on a visit."
14 So I was not as negative about getting a White House
15 visit scheduled as Prystaiko believed I should have been. I
16 was saying, "Look, we're working it. We will get this done.
17 You know, it's -- sometimes it takes time, it's hard, but
18 we -- you know, we are here working this."
19 Prystaiko was more anxious about it. And I had probably
20 communicated with him, I can go back and look, but explaining
21 that, you know, we're getting nowhere here. We're trying,
22 but we're not getting any date out of the White House.
23 And he thought I maybe sugarcoated it when I should have
24 been more negative in my way of presenting it with President
25 Zelensky.

1 Q Is that because something -- a message was
2 communicated to him in Toronto, something that made him think
3 that you had kind of led them on that the White House meeting
4 would be occurring soon, or --
5 A Well --
6 Q Why does he think you sugarcoated it?
7 A Yeah. Just exactly what I just said, that in the
8 meeting with President Zelensky, I didn't say, this is a
9 problem in terms of getting a meeting. I said we are working
10 it, I'm confident we're going to get there, more like that.
11 And so I think he felt that was --
12 Q Sugarcoating it for President Zelensky?
13 A Sugarcoating it for President Zelensky, yes.
14 Q Okay. Let's go to the top of the next page. And
15 you wrote, "I wanted to make sure he knew we are supporting
16 him," meaning Zelensky, right?
17 A Yeah.
18 Q "and his stated commitment to reforms, and that
19 there are still concerns at the highest level he needs to
20 address proactively about Kolo" --
21 A Kolomoisky.
22 Q That is Kolomoisky that you're talking about
23 earlier?
24 A Yes.
25 Q -- "and whether he will really pursue reforms he

1 says. I talked to him privately about Giuliani and impact on
2 President."
3 A Yes.
4 Q Let's focus on that last part there. Who are
5 you -- which President were you referring to?
6 A President Trump.
7 Q Okay. And what did you communicate to President
8 Zelensky about Giuliani's impact on President Trump?
9 A I told him that he believes a lot of these negative
10 narratives about Ukraine; that there may be people around
11 Zelensky that are, as he said in his tweet -- or in his
12 press, enemies of the United States; and that he is
13 continuing to put out a negative narrative, and that that is
14 probably influencing President Trump's thinking.
15 So this is that discussion that I had on July 3rd with
16 President Zelensky that we talked about earlier.
17 This text message is my conveying to Vadym Prystaiko,
18 the diplomatic advisor, what I had told to President Zelensky
19 the day before.
20 Q Okay. Thank you. That answers my question on
21 that.
22 So I think I might be done with text messages. I'm not
23 making any promises, but we can set those aside for right
24 now.
25 MR. NOBLE: I'm going to let my colleague, Dan Goldman,

1 ask a few questions.

2 BY MR. GOLDMAN:

3 Q Ambassador Volker, I want to turn back for a moment

4 to the security assistance issue.

5 Let me direct your attention to Bates number 37 of your

6 text messages, if you have them there. It is one exhibit. I

7 don't know which one.

8 MR. CASTOR: Which one of the exhibits? 37?

9 MR. GOLDMAN: Yeah. 37. I'm not sure which one, but --

10 on July 18th --

11 MR. CASTOR: 2. It's exhibit 2, page 2.

12 MR. GOLDMAN: Thank you. Exhibit 2.

13 BY MR. GOLDMAN:

14 Q On July 18th at 10:19 in the morning, can you read

15 what Bill Taylor texted to you and Gordon Sondland?

16 A Yes. July 18th, Bill Taylor: "OMB" -- Office of

17 Management and Budget, on a SVTC, that's secure video

18 teleconference, it should be a C -- "just now said that all

19 security assistance to Ukraine is frozen per a conversation

20 with Mulvaney and POTUS. Over to you."

21 Q So at that point, you understood that the President

22 of the United States had issued the order to freeze the

23 Ukrainian aid. Is that right?

24 A That is what this says. I had not heard that from

25 my assistant or from others who were at the meeting, so I was

1 a little confused that this was true, but this is what Bill
2 said.
3 Q Did you subsequently learn whether that was true or
4 not?
5 A I believe it to be true. I don't know. I don't --
6 this -- I never got a clear explanation as to what happened.
7 Q Well, you know that it came from OMB?
8 A From OMB, which would be Mulvaney as the director.
9 Q Right. And also the acting chief of staff,
10 Mulvaney?
11 A Yes.
12 Q Right? And presumably he's acting at the direction
13 of the President?
14 A Presumably.
15 Q Okay. You don't have any reason to think that this
16 was not a directive from the President, do you?
17 A No, I don't.
18 Q In fact, none of the other agencies understood why
19 this was happening?
20 A Correct.
21 Q Right? So it was not coming from any of the other
22 interagencies that you were aware of?
23 A Correct.
24 Q So when -- and to your knowledge, up until it
25 became public at the end of August, you were -- you were not

1 aware that any Ukrainians knew about this hold, is that
2 right --
3 A That's correct.
4 Q -- on the security assistance?
5 A That's correct.
6 Q But they then became aware of it on, I believe you
7 said, August 29th?
8 A That's my recollection.
9 Q Okay. And then the next day, August 30th, was when
10 President Trump cancelled his trip to Warsaw. Is that right?
11 A I'm not sure what date that was cancelled. It
12 could be.
13 Q Okay. Well, the meeting in Warsaw with Vice
14 President Pence was September 1st.
15 A Yes.
16 Q Right? So President Trump obviously cancelled
17 before that?
18 A He had been in France at the G-7, and then I
19 believe he returned to the United States rather than do the
20 other stop.
21 Q And what did you understand, or what did you learn
22 subsequent to Vice President Pence's meeting with President
23 Zelensky in Warsaw that they discussed related to the
24 security assistance?
25 A It's exactly the message that we saw on the other

1 text.
2 Q You didn't learn anything more than what was
3 written in that message?
4 A No, no.
5 Q Okay. Now, Vice President Pence relayed to the
6 Ukrainians -- he did not relay an official explanation for
7 why the aid was being held. Is that right?
8 A That's my understanding, that's correct.
9 Q And you were not aware of any explanation for why
10 the aid was being held?
11 A No explanation was ever given.
12 Q And did you relay that to the Ukrainians as well?
13 A Yes, I did.
14 Q So from the Ukrainian perspective, they understood
15 from their American counterparts that, one, the aid was being
16 held, and two, no one had a reason why. Is that right?
17 A That is correct.
18 Q Okay.
19 A And three -- may I? Three, that we all thought
20 this is a mistake, and we're going to fix it.
21 Q Exactly. In addition, all the professionals who
22 focus on this area of the world thought it was a mistake?
23 A Yes.
24 Q Now, from July 18th up until September 1st, during
25 that period of time, you became aware of an effort by Rudy

1 Giuliani, at a minimum, to influence Ukrainian to open these
2 two particular investigations. Is that right?
3 A Yes, to have that included in a statement the
4 Ukrainians would make.
5 Q Well, it's not just to have it in a statement --
6 A Yeah.
7 Q They wanted --
8 A That if they stated they would do it.
9 Q -- them to begin the investigations, right?
10 A Yes.
11 Q It would be memorialized in a statement --
12 A Right.
13 Q -- but that's what Giuliani wanted.
14 A Yes.
15 Q And now in retrospect, you know from reading that
16 call record that Donald Trump wanted that as well, right?
17 A Yes. The call record, I think, kind of speaks for
18 itself as to what the President said. It's a little
19 different than saying Burisma and 2016, but the call record
20 is there.
21 Q Right. As part of your job as a special envoy to
22 Ukraine, do you read all of President Zelensky's press
23 releases?
24 A Do I read them all? No.
25 Q You don't read them all?

1 A No.

2 Q You don't want to know -- well, did you -- do you

3 think it would be part of your duties to read a readout of

4 President Zelensky related to a telephone call that he had

5 with Donald Trump --

6 A Yes.

7 Q -- the President of the United States?

8 A Yes. That, I probably saw.

9 Q And did you read that Ukrainian readout?

10 A I probably did. I'd have to see it to remember if

11 I did or not.

12 Q Okay. Well, I want to mark this as --

13 MR. SWALWELL: 12.

14 MR. GOLDMAN: Exhibit 12.

15 MR. CASTOR: We might need copies of this one.

16 MR. NOBLE: We have plenty of copies.

17 [Volker Exhibit No. 12

18 was marked for identification.]

19 BY MR. GOLDMAN:

20 Q Do you recognize this to be a readout from the

21 Ukrainians of a call between President Zelensky and President

22 Trump on July 25th?

23 A Yes, I do recognize this, and I did read it at the

24 time.

25 Q So you did read it at the time. Could you read the

1 second paragraph, please?

2 A "Donald Trump is convinced that the new Ukrainian

3 Government will be able to quickly improve image of Ukraine,

4 complete investigation of corruption cases, which inhibited

5 the interaction between Ukraine and the U.S.A."

6 Q Okay. When you read that at the time, what did you

7 think?

8 A I thought that's good; that that was the whole

9 idea, is for President Zelensky to convince President Trump

10 he is serious about fighting corruption, he's going to

11 prevent things from happening in the future.

12 We've had enormous issues of pressing Ukraine to fight

13 corruption under previous governments in Ukraine, getting an

14 anticorruption court established, setting up a special

15 prosecutor's office for corruption cases, special

16 investigatory office of corruption. It was a real struggle

17 to push Ukraine to fight corruption, and that had been an

18 impediment.

19 And so he's saying that, "I believe Zelensky is serious

20 about changing the direction of things." And he's saying

21 here that he believes that he convinced President Trump that

22 he is serious and will be able to do this, and that will help

23 to improve the U.S.-Ukraine relationship.

24 Q All right. Let's try this again in a different

25 way.

1 There was no readout from the office of the presidency
2 here. Is that right?
3 A You mean a readout --
4 Q There was no official readout from the White House
5 of this call.
6 A I don't believe so, no.
7 Q Right. Did that strike you as a little odd?
8 A Not really. I don't know if all calls are read
9 out, and if they are, they are just so perfunctory, you don't
10 learn anything from it anyway.
11 Q So that's a very nice gloss on the call and which
12 he read in this readout, but let me take you back to the text
13 message that you wrote to Andriy Yermak right before this
14 call where you said, "Heard from White House. Assuming
15 President Z convinces Trump he will investigate/'get to the
16 bottom of what happened' in 2016, we will nail down date for
17 visit to Washington."
18 So with that knowledge in hand, when you read this, you
19 did not think that what the Ukrainians were referring to was
20 the specific investigation that you told them to reference in
21 the call?
22 A What I said is -- well, two different things.
23 First off, what the actual statement says is "complete
24 investigation of corruption cases which inhibited the
25 interaction." So I take it to mean what it says.

1 Second, what I said concerning that message to Andriy
2 Yermak is, "convince the President," so be convincing, "and
3 get to the bottom of what happened in 2016."
4 So this is looking backward at whether there was any
5 election interference.
6 Q So you didn't say to Andriy Yermak: Convince
7 President Trump that you are really serious about rooting out
8 corruption in Ukraine, and then we can set a White House
9 visit, did you?
10 A No. You said -- No. It said -- I have it in front
11 of me here, but you know what it says.
12 Q Right.
13 A It says --
14 Q And given your conversations with Rudy Giuliani and
15 the fact that you had connected Rudy Giuliani to Andriy
16 Yermak shortly before this call, you also understood that
17 that was -- that those investigations were very important to,
18 at a minimum, Rudy Giuliani, right?
19 A The connection between Andriy Yermak and Rudy
20 Giuliani, I believe, is the 22nd of July.
21 Q And this call was the 25th?
22 A Right. And they did not have a detailed
23 conversation until August 2nd when they met in Madrid. So I
24 put them together and then had no follow-up from either of
25 them about that other than --

1 Q And just to be clear, they had planned that meeting
2 in Madrid prior to the President's call --
3 A Correct.
4 Q -- on July 25th?
5 A That is correct.
6 Q Do you know whether Rudy Giuliani had any role in
7 making that call happen between President Trump and President
8 Zelensky on July 25th?
9 A I don't know whether he did.
10 Q You don't know?
11 A No.
12 Q You didn't hear anything about it?
13 A No. He did not take credit for that. And I
14 believe he may have been helpful, but I don't know that.
15 Q Okay. So moving ahead now where we are with the
16 security assistance where I was before is, you were aware
17 that during that whole time from mid July until late August,
18 that the security assistance had been held --
19 A Uh-huh.
20 Q -- and that there was no official explanation for
21 it?
22 A Right.
23 Q And then that message was relayed to the Ukrainians
24 at the end of August, right?
25 A Which message?

1 Q That there was -- there was a hold on the security
2 assistance and that there was no explanation for why?
3 A Yes.
4 Q Okay.
5 A And that we were going to try to fix it.
6 Q And that you were going to try to fix it.
7 And that during this time while that was going on, Rudy
8 Giuliani, and now we know President Trump as well from this
9 call, was pushing Ukraine to initiate these investigations,
10 correct?
11 A That is true.
12 Q So, Ambassador Volker -- one moment.
13 Before I get to the next point, if we could go to 42,
14 which I don't believe is an exhibit. Actually, it is. We'll
15 get the exhibit. I'll find the exhibit.
16 Do you have it in front of you?
17 A I do.
18 Q Okay. Near the top of the page, 7/22 at 4:27 p.m.,
19 could you read what you texted to Gordon Sondland?
20 A 4:27 p.m.?
21 Q Yes.
22 A Kurt Volker: "Orchestrated a great phone call with
23 Rudy and Yermak. They are going to get together when Rudy
24 goes to Madrid in a couple of weeks."
25 Q Can you read the next one?

1 A "In the meantime, Rudy is now advocating for a
2 phone call."
3 Q And what did you understand that to mean?
4 A That he would support the President calling
5 Zelensky.
6 Q Well, you actually used the word "advocating."
7 That's different than "support," right?
8 A Yeah. Advocate for, support. That's the same
9 thing.
10 Q Well, "advocating" actually, doesn't that mean that
11 he's actually pushing for it rather than just supporting one?
12 He's affirmatively trying to make a phone call happen,
13 that's -- correct me if I'm wrong.
14 A Yeah. Is now advocating for a phone call, is now
15 supporting a phone -- I -- I take them to be the same, but,
16 okay; advocating for, urging that there be a phone call.
17 Q Okay. And if you read two lines down at 4:28:48.
18 A Now, to be clear, I never heard back from Rudy.
19 That's what he told me, but then I don't know whether he did
20 or not.
21 Q Okay. If you could read --
22 A Two lines down. "I can tell Bolton and you can
23 tell Mick" -- that is Mulvaney, the OMB Director, that Gordon
24 knows -- "that Rudy agrees on the call if that helps."
25 Q And then 3 days later, the call occurred, right?

1 A Yes.
2 Q And this was a phone call that you had been trying
3 to get --
4 A Yes.
5 Q -- for a couple months, right?
6 A Yes.
7 Q Now, Ambassador Volker, given the pressure that
8 Rudy Giuliani was putting on the Ukrainian administration to
9 initiate these investigations, do you not think that the
10 Ukrainians would not have understood that the actual
11 explanation for the security assistance being held up was the
12 fact that they did not issue that statement, or they had not
13 initiated those investigations if there was no official
14 explanation?
15 A That -- I see why you're asking this question.
16 Q Because it makes sense?
17 A But even my own understanding of this is back to
18 the meeting I had in the Oval Office with the others and the
19 President in May.
20 His views on Ukraine were so sharply negative, and
21 reinforced in a negative understanding, that it makes more
22 sense to me, it's more direct that this is happening
23 independently; that he sees that we are about to launch a
24 notification of millions of dollars to Ukraine. Wait a
25 second. You know, are they -- can we work with these guys?

1 Are they corrupt still? Why should we be giving them
2 American money? Why aren't the Germans doing this?
3 That's what I interpreted at the time what the issue is.
4 And I don't know whether I said it that explicitly to the
5 Ukrainians, but I think it's reasonable to see this as
6 something happening on its own.
7 Q Right. Now, you said in one text that you were out
8 of the loop, you had only two phone conversations with Donald
9 Trump, you were not privy to Rudy Giuliani's conversations
10 with the Ukrainians. Is that right?
11 A Yes.
12 Q And, in fact, you weren't even present for Mike
13 Pence's meeting with Zelensky?
14 A That's correct.
15 Q So you don't really have firsthand knowledge as to
16 what messages were relayed to the Ukrainians. Is that right?
17 A In those meetings, yes, that's correct.
18 Q Yes. That's right.
19 The -- did you -- you reviewed the call record of the
20 July 25th call --
21 A Yes.
22 Q -- closely?
23 A Yes.
24 Q Did you see anywhere where President Trump mentions
25 the word "corruption"?

1 A I'd have to go back and read it. I'm suspecting
2 you know the answer. (Pause-referring).
3 Okay. I do not see the word "corruption." I see a few
4 things that infer corruption, but I do not see the word
5 "corruption."
6 Q In fact, in your conversation with the President in
7 May, the stated reasons why he had a deeply rooted distrust
8 or dislike of the Ukrainians was because of what he perceived
9 to be their role in the 2016 election and/or the Paul
10 Manaforte case. Is that right?
11 A That was mentioned, but it was a long -- longer
12 statement that "they are all corrupt, they are all terrible
13 people, and," you know, "I don't want to spend any time with
14 that." That was -- it was a broader statement. And he also
15 said, "and they tried to take me down."
16 Q So he didn't have any specific examples other than
17 the fact that they tried to take him down?
18 A He did not give any other specific examples.
19 Q Right. And, in fact, in this call, he does
20 specifically reference an investigation related to the 2016
21 election and an investigation related to Joe Biden, right?
22 A He does.
23 Q Okay. So you don't really, sitting here, believe,
24 do you, that the President or Rudy Giuliani needed some
25 assurance that President Zelensky was actually against

1 corruption? That's not what they were really concerned
2 about. You understand that, right?
3 A Yeah. No, I do believe that. We have to
4 differentiate between the President and Rudy Giuliani.
5 What I heard from President Trump in the meeting in the
6 oval office was blanket, like, "this -- these are terrible
7 people, this is a corrupt country," you know, "I don't
8 believe it."
9 I made the argument that President Zelensky is the real
10 deal, he is going to try to fix things, and, you know, he
11 just did not believe it. He waved it off. So there's a
12 general issue there.
13 He did not mention investigations to me in that meeting,
14 or call for investigations. I was not aware that he did so
15 in the July 25th call later.
16 His attitude towards Ukraine was just general and
17 negative.
18 Rudy Giuliani, as we know from a lot of his public
19 commentary, talks about this all the time. He's interested
20 in that, but that doesn't mean that the President is as
21 focused on that as Rudy is, and so I would -- I would
22 differentiate there.
23 And I think the target as I saw it, is to make sure the
24 President is not being reinforced in such a negative view,
25 and gets on with a bilateral relationship with the new

president.

[5:05 p.m.]

BY MR. GOLDMAN:

Q Are you aware of President Trump expressing publicly any concerns about corruption in any other countries?

A Well, Russia. I've heard him mention, you know --

Q You have?

A -- corruption in Russia, in the same conversation, like they're all terrible. I can't say that I've been --

Q Do you recall -- just on the topic of Russia, do you recall when President Trump in Helsinki said that he believed Vladimir Putin over his intelligence agencies?

A I do remember that press conference.

Q Okay.

A But we're talking about corruption, and I think we're talking really, you know, business climate there.

MR. NOBLE: But President Trump took multiple meetings with President Putin but would not meet with President Zelensky, right? To this day he's not met with President Zelensky in the Oval Office, but he would take meetings with President Putin. So if he's truly concerned about corruption, why meet with Putin but not meet with Zelensky?

MR. VOLKER: Yeah. I can't answer other than that I think it's important that both take place. You know, it's important to fight corruption. It's important that the

President meet with Zelensky and support him. It's also important that the President meet with President Putin because we can't have a risk of conflict with Russia either.

BY MR. GOLDMAN:

Q Ambassador Volker, we understand that you are in a difficult position, and I don't think anyone here has any doubt that you were singularly focused on promoting the bilateral relationship between the United States and Ukraine and supporting Ukraine in their efforts to promote democracy and in their best interest, which I take it you understand is also in our best interest.

A Yes.

Q Is that right?

But you don't live under a rock. And for you to sit here and say that you don't think that through all of your efforts to persuade Rudy Giuliani, through all of the Ukrainian efforts to communicate and coordinate with Rudy Giuliani that he's acting alone as a rogue actor without any connection to Donald Trump, who is his client.

And part of the reason that we know that and that you know that sitting here is that both Rudy Giuliani and President Trump have admitted as much. So I'm struggling to understand why you are still trying to tell us that they were not interested in pursuing these investigations and that that had nothing to do with the President's views on Ukraine?

1 A Well, there's a difference between understanding at
2 the time and what we have in public domain today. So at the
3 time, neither President Trump nor Rudy Giuliani, after that
4 first breakfast meeting that I had with him, ever brought up
5 Joe Biden.
6 I had pushed back on that and separated it, and said,
7 one thing about corruption in Ukraine, whether Ukrainian
8 officials may have done improper things, Burisma, or
9 otherwise, and that -- and so every time that came up after
10 that I felt I had already put up that marker.
11 Q Okay. Now, understanding that you've been
12 testifying today primarily to what you knew at the time,
13 let's just take a step back and look back with hindsight that
14 is 20/20, because you know this area very well. You're an
15 expert in this area.
16 Now, looking back, as you see it today, understanding
17 that you are not privy to a lot of this information, do you
18 recognize the concerns -- or the Ukrainian -- do you
19 recognize that the Ukrainians may very well have perceived
20 that the security assistance hold related to Rudy Giuliani's
21 efforts to influence them to initiate these investigations?
22 A Right. Is it possible that they believe that, yes,
23 it's possible. I had conversations with them about this
24 after August 29, and for about a week and they never raised
25 that with me.

1 Q Understood.
2 Mr. Noble, do you want to go through a couple of the
3 other meetings?
4 BY MR. NOBLE:
5 Q Sure. And I wanted to go back to a point of
6 clarification. When we were talking about the statement that
7 was being drafted in August of 2018, I believe you testified
8 it was never issued.
9 A Right.
10 Q The Ukrainians dropped it. But they continued to
11 talk about a possible interview --
12 A Yes.
13 Q -- that President Zelensky was going to do,
14 correct?
15 A Yes. I was not involved in that. I heard about
16 that from Gordon Sondland that he had been in touch with
17 Ukraine, and there was talk about Zelensky giving an
18 interview in which he would talk about his commitment to
19 investigating things that happened in the past. I don't know
20 the details of those conversations, and I don't believe any
21 such interview happened.
22 Q And was the plan for that interview for President
23 Zelensky to specifically mention Burisma and the 2016
24 elections?
25 A I don't know.

1 Q So I would like to go through and talk about some
2 of the other conversations between U.S. officials and
3 Ukrainians, and I'm going to do this in chronological order.
4 So I'd like to go back in time to April 21 of 2019 when
5 President Zelensky was elected. And there was, I understand,
6 a congratulatory call --
7 A Yeah.
8 Q -- between President Trump and President Zelensky.
9 Is that correct?
10 A That is correct.
11 Q Did you participate in that call?
12 A I did not.
13 Q Okay. Did you get a readout about the call?
14 A Just that it was a good congratulatory phone call.
15 That's all.
16 Q Do you know how long the call lasted?
17 A I don't.
18 Q You do not?
19 A No.
20 Q Okay. Do you know who else participated in the
21 call?
22 A I don't.
23 Q Okay. And do you know what in sum and substance
24 was said by President Trump and President Zelensky during the
25 call?

1 A No. My understanding is that it was just a
2 congratulatory phone call on his election victory.
3 Q Do you know whether they discussed Joe Biden or
4 Hunter Biden?
5 A I don't.
6 Q Do you know whether they discussed Burisma?
7 A I do not.
8 Q Do you know whether they discussed Paul Manafort?
9 A I don't.
10 Q Do you know whether they discussed a White House
11 visit?
12 A I don't.
13 Q Do you know whether there's a transcript or a
14 summary or a memo or notes of that call?
15 A I don't know that either.
16 Q You never saw such notes?
17 A No. No.
18 Q Did you ever discuss the call with Secretary Pompeo
19 or anyone else at the State Department?
20 A Just the fact of a congratulatory phone call, no
21 more than that.
22 Q Did anyone ever express any concerns about the
23 April 21st call?
24 A Not that I heard.
25 Q So I'd like to now turn to the May 20, 2019, the

1 U.S. delegation to the inauguration of President Zelensky in
2 Kyiv.
3 A Yes.
4 Q It's our understanding that the White House had put
5 the inauguration for President Zelensky on Vice President
6 Pence's calendar, but at some point President Trump
7 instructed Vice President Pence not to attend the
8 inauguration. Were you aware of that at the time?
9 A I was aware that we were trying to get Vice
10 President Pence to lead the delegation, and in the end he
11 wasn't able to do so. Given that this was put together over
12 the course of a couple days, I'm not surprised -- I wasn't
13 surprised at the time that the Vice President couldn't do it.
14 Q Do you know the reason why President Trump directed
15 Vice President Pence not to go to the inauguration?
16 A I was not aware that it was at the direction of
17 President Trump, and I assumed it was just a matter of
18 scheduling.
19 Q Who led the U.S. delegation?
20 A Secretary of Energy Rick Perry.
21 Q Why was that?
22 A Cabinet level, so that we were at least, if we
23 weren't getting the vice president, it was still important to
24 have someone at a cabinet level, and because we have a lot of
25 issues with Ukraine on energy. He has an interest in

1 Ukraine, so I think he was very happy to take on the
2 assignment.
3 Q To what extent had Secretary Perry been involved in
4 U.S.-Ukraine relations up to that point?
5 A He and I had not really intersected up to that
6 point on Ukraine. I had known him years past, but nothing
7 concerning Ukraine in a contemporary time space until we went
8 there together.
9 Q Who are the three amigos?
10 A That refers -- I don't use that phrase either
11 because I think of three other people as the three amigos.
12 Q Fair enough.
13 A But that refers -- Gordon Sondland usually uses
14 that, and he was referring to himself and to Rick Perry and
15 to me.
16 Q Why didn't Secretary Pompeo lead the delegation?
17 Wouldn't he have been more appropriate?
18 A He would have been a great choice. I don't know
19 why, probably also scheduling.
20 Q Okay. Who else was in the U.S. delegation besides
21 Secretary Perry?
22 A Senator Ron Johnson was there as well and our
23 Charge d'affaires at the time Joe Pennington.
24 Q Joe Pennington?
25 A Yeah.

Q Was Ambassador Sondland there?

A Yes, he was one of the ones in the delegation.

Q Okay. And you were there as well?

A Yes.

Q Okay. Do you know who they met with in Kyiv during the inauguration, which Ukrainian officials?

A I have to think back. We met with President Zelensky. Several advisers were with him in that meeting. We met with the speaker of the parliament, the then-speaker of the parliament because it was before the parliamentary election. Yeah, I'd have to think back who else we may have met with.

Q Okay. During the meeting with Zelensky, was there any discussion about Rudy Giuliani or the investigations --

A No.

Q -- that we've been talking about?

A No. That did not come up.

Q Do you know whether President Trump directed anyone in the U.S. delegation to deliver a message to Zelensky about the investigations?

A No.

Q You don't know one way or the other?

A I don't know one way or the other. I don't believe anything's happened, but I don't know.

Q Do you know whether Ambassador Sondland delivered

any message to President Zelensky or any of his advisers?

A I don't believe so. I don't know.

Q Do you know whether Ambassador Sondland had any one-on-one meetings or meetings that you did not attend while you were in Kyiv for the inauguration?

A For the inauguration, I believe we did everything together.

MR. CASTOR: I think we've got the 45 minutes is up.

MR. NOBLE: Okay. We have more, but we'll turn it over to you.

MR. CASTOR: Okay. Anybody need a break?

MR. VOLKER: Yeah, maybe a quick break.

MR. NOBLE: 5-minute break?

MR. VOLKER: Yeah.

[Recess.]

MR. BITAR: We'll return on the record. It's 5:27 for the minority.

MR. NUNES: Welcome, Ambassador. My name is Devon Nunes. I'm from California. I just wanted to welcome you to the committee.

MR. VOLKER: Thank you.

MR. NUNES: I was a little surprised that this was still going, so I'm sure you're exhausted. But from what I understand, you're answering the questions, sticking to the facts, and I appreciate your willingness to come in on your

1 own and testify before the committee here.

2 MR. VOLKER: Thank you, Congressman.

3 MR. NUNES: And I don't think we have very many

4 questions left, if any, but we may have just a couple.

5 BY MR. CASTOR:

6 Q Yeah. Just a few. We're very respectful of your

7 time. These all-day interviews can be a challenge, so we

8 would like -- we wish you could get home by, you know, 6:00

9 or at some reasonable hour, so we'll try not to stand in the

10 way of that.

11 A Thank you.

12 Q Appreciate you sticking to the facts that you have

13 firsthand knowledge about. In the last round there was some

14 questions that present some ambiguous facts --

15 A Uh-huh.

16 Q -- you know, for what reason Vice President Pence

17 didn't lead the delegation. You know, that's what

18 investigations do. They look for evidence and proof. And,

19 you know, you were asked whether Vice President Pence didn't

20 travel because of, you know, the aid issue or there wasn't an

21 investigation into Joe Biden and so forth. And you testified

22 that you didn't have any firsthand knowledge on that and, in

23 fact, you said it was probably his schedule.

24 A That was my assumption. It is difficult to get

25 things on the President or Vice President's calendar.

1 Q And you mentioned that it happened on short notice?
2 A It was a very short notice announcement of when the
3 inauguration would be, so I think, as a -- you know, anybody
4 in the world only had like 4 days' notice, and putting
5 together a presidential delegation in that short space of
6 time is tough.
7 Q But the delegation did include some key players,
8 Senator Johnson?
9 A Yes.
10 Q Secretary Perry?
11 A Yes.
12 Q And Ambassador Sondland?
13 A Sondland.
14 Q So that was a very reasonable size delegation?
15 A It was a very -- it was the largest delegation from
16 any country there, and it was a high-level one.
17 Q Okay. So there's no reason to suggest that the
18 roster of officials on the delegation was anything less than
19 what you'd expect?
20 A Right. It would have been nice to have the Vice
21 President, but, you know, you can't always -- yeah.
22 Q Or the Secretary?
23 A Yeah.
24 Q You were asked whether there's any mention of
25 corruption on the call, going back to Exhibit 4, the readout

1 of the telephone conversation. I'm not certain the word
2 "corruption" appears, but, you know, if you turn to page
3 three at the bottom --
4 A Yes.
5 Q -- the President says some very bad people.
6 A Yes.
7 Q You know, I don't know if that's an ambiguous
8 statement or not, but, you know, reasonable people could
9 equate very bad people --
10 A Right.
11 Q -- to corruption.
12 A Yes. So the question that I answered was whether
13 the word "corruption" appears and does the President say it.
14 And I said, no. I said, there are some things that you can
15 infer, and that was what I was looking at is, he talks about
16 a prosecutor who was very good getting shut down, says that's
17 really unfair. He says, they shut down -- you had some very
18 bad people involved. So that's an inference even if it's not
19 using the word "corruption."
20 Q At various points today we've talked about the
21 President's deep-seated concern about Ukraine, the business
22 culture there. And we've gone through several reasons why
23 the President may have had that view, whether it was related
24 to his prior business experience --
25 A Possibly.

Q -- whether it was related to the business experience of his colleagues in the business community --

A Possibly.

Q -- whether it related to Paul Manafort --

A Possibly.

Q -- whether it related to, you know, this allegation of Ms. Chalupa. But among all of those things, you would testify that indeed the President had a very genuine --

A Yes.

Q -- deep-seated concern about Ukraine and corruption, for whatever reason, a variety of reasons?

A Yes.

Q Is that true?

A That is true, and that was crystal clear to me.

Q And you have been with the President and you've had readouts about his concerns about Ukraine.

A Uh-huh.

Q And so is it fair to say that this wasn't a pretext --

A Right.

Q -- for all things Biden?

A Correct.

Q Okay.

A Correct.

Q Exhibit 12 was the Ukrainians' readout from the

1 call.

2 A Say that again?

3 Q Exhibit 12 earlier was the --

4 A Oh, yes, the statement from the President's Office

5 of Ukraine, yes.

6 Q Right. And, you know, at various points today

7 we've talked about, you had a readout from the State

8 Department after the call happened?

9 A Uh-huh.

10 Q Nobody told you anything about that?

11 A Right.

12 Q You had a readout from your Ukrainian folks --

13 A Right.

14 Q -- that you have a rather sophisticated

15 relationship with --

16 A Yes.

17 Q I mean, you're in constant contact with these

18 Ukrainian officials?

19 A Yes.

20 Q You have trust. They trust you?

21 A Yes.

22 Q And they never mentioned anything about Joe Biden

23 to you?

24 A That's correct.

25 Q And then on this readout I don't see the word

1 "Biden, Burisma, Hunter Biden," anything, right?
2 A That is correct.
3 Q Okay. So this is like another data point, a piece
4 of evidence about the call that, you know, if you're looking
5 to characterize what happened on the call, this is another
6 piece of evidence?
7 A Right.
8 Q This morning we spoke in some detail about the
9 delay in the assistance funds.
10 A Yes.
11 Q And you testified that these delays happen.
12 A They do.
13 Q There are complicated facts. There's different
14 power centers on any type of assistance to a foreign nation.
15 Is that correct?
16 A In general, yes, that's true.
17 Q Okay. But you believed all along that these
18 assistance funds would be released?
19 A Yes.
20 Q And the United States commitment --
21 A Yes.
22 Q -- to stepping up the aid to Ukraine, and
23 especially the types of aid, the more lethal and helping them
24 with some, you know, anti-weapons systems, was it in the
25 United States interest?

1 A Yes.
2 Q Was it in the interest of Ukraine?
3 A Yes.
4 Q And you expressed confidence, you know, that this
5 aid would be released?
6 A Yes, I did.
7 Q And you also testified that you tried to convey
8 that to the Ukrainians?
9 A Yes, I did.
10 Q And you tried to convey that to the other U.S.
11 officials?
12 A Yes.
13 Q So to the extent there were some, you know,
14 hair-on-fire moments, for lack of a better word, that this
15 wasn't going to happen, you stayed the course, you stayed
16 confident, and indeed, in the end, the assistance funds
17 were --
18 A That is exactly right.
19 Q There was some discussion about whether President
20 Trump has met with Rudy Giuliani in the Oval Office. Are you
21 aware of any such things?
22 A I have no knowledge of that.
23 Q President Trump has met with -- I'm sorry, with
24 Vladimir Putin in the Oval Office?
25 A Is that a question?

1 Q Yeah. Do you know if --
2 A I don't know. I'd have to go back and check. I
3 know he's had meetings with Putin. I don't know whether he's
4 met him in the Oval Office.
5 Q Most of these meetings have occurred in
6 international locations, haven't they?
7 A That's my understanding, yeah.
8 Q But I believe there was a suggestion that Putin had
9 been invited to the Oval Office and Zelensky hadn't -- in one
10 of the earlier rounds?
11 A Yeah. There have been meetings with President
12 Putin.
13 Q Right.
14 A And there had been no -- it had been difficult
15 scheduling a meeting with President Zelensky. That being
16 said, we had a meeting with President Poroshenko in 2017.
17 President Zelensky was elected in May of 2019, and we had a
18 meeting in September of 2019. So it took a lot of work, but
19 we got there.
20 Q But since President Trump has been in office,
21 you're not aware of any meeting with Vladimir Putin in the
22 Oval Office, are you?
23 A No.
24 Q In New York the President did meet with Zelensky?
25 A Yes.

1 Q And so the President has met with Zelensky at
2 international meetings, this one happened to be in New York,
3 just like the President has met with Vladimir Putin at
4 international meetings, correct?
5 A That is correct.
6 Q Okay. I think that's all we have for -- Mr. Perry,
7 I'm sorry.
8 MR. PERRY: Thank you.
9 Ambassador, in the last series there was a lot of time
10 spent on the fact that the funds weren't forthcoming and you
11 didn't know why, nobody seemed to know why, but you were
12 going to have to address the officials in the Ukrainian
13 Government in your normal course of your business.
14 And it was implied that surely they knew because of
15 Mr. Giuliani's statements, things in the press, that there
16 could only be one thing, right. We don't have the money.
17 The money is not forthcoming yet. You can't tell me the
18 reason why. So the only reason that can be is because these
19 investigations are or are not involved. That was kind of the
20 implication.
21 Now, previously in another round you had talked to me
22 about the trust that the same officials from Ukraine had in
23 you personally.
24 MR. VOLKER: Yes.
25 MR. PERRY: And you had conversations with them about

the fact --

MR. VOLKER: Yes.

MR. PERRY: -- that the money was not forthcoming and you didn't know why.

MR. VOLKER: Yes.

MR. PERRY: And not once did they imply, ask, infer that you know of that it had anything to do with investigation?

MR. VOLKER: That is true.

MR. PERRY: And you're confident that if that was something they were concerned about, that they were worried that that was -- there was a connection, a nexus, that they would have asked you or brought that up as a possibility?

MR. VOLKER: It never came up in conversation with them, and I believe they had trust in me that they would have asked if that was really what they were worried about.

MR. PERRY: Okay. I yield.

MR. CASTOR: That's all we have for now.

MR. SWALWELL: Ambassador, with respect to the security assistance, am I correct that that was appropriated by Congress in 2018? Is that right?

MR. VOLKER: I believe that's right.

MR. SWALWELL: Okay. And so the second that's appropriated and the President signs into law, the Ukrainians have an expectation that it's coming. Is that right?

MR. VOLKER: That is correct.

1 MR. SWALWELL: Okay. So whether they learned about the
2 hold in August or before, every day that goes by after it's
3 appropriated and they don't receive it, as far as they're
4 concerned, it's binary. They don't have it. Is that right?
5 MR. VOLKER: Yes, I think that's fair.
6 MR. SWALWELL: Okay. I'll turn it over to Mr. Noble.
7 BY MR. NOBLE:
8 Q In the text messaging exchange on September 8 or
9 September 9 with Bill Taylor, where he says that he believes
10 that the aid was being held up and the White House visit was
11 being withheld because of the investigations, do you know why
12 he had that concern or what basis he had for believing that?
13 A No, I don't. I believe, and I'd have to go back
14 and read it again, but I believe it was the Politico article
15 that suggested that. And we, Gordon Sondland and I, both
16 spoke with Bill and said, I don't think that's it, and don't
17 panic over this. We are working to get this fixed.
18 Q But Bill Taylor was threatening to resign if that
19 turned out to be the case, that that was U.S. policy?
20 A No, I think the way I read his note, if we actually
21 did not deliver the security assistance, that would be a
22 major change in U.S. policy and that would cause him to
23 resign.
24 Q I'd like to ask you about Secretary Perry. After
25 the May 20 delegation to Kyiv, did he have a continuing role

1 going forward in dealing with Ukraine?
2 A He did. We tried to work as a team, that group
3 that had been part of the presidential delegation, at least
4 Gordon and Rick Perry and myself and with Bill Taylor, in
5 order to try to keep momentum, keep Ukraine on the front
6 burner, build a bilateral relationship, get the White House
7 visit, and so forth. And he had some particular issues in
8 the energy sector that he was very keen on working with the
9 Ukrainians, and so he was very active on that.
10 Q Okay. So he continued to communicate with the
11 Ukrainians at that point -- from that point?
12 A Yes. Yes, I'm sure he did.
13 Q Okay. I want to ask you about the May 23, 2019,
14 Oval Office meeting.
15 A Yes.
16 Q I think we talked a little about that at the
17 beginning. But could you just remind us, who all was present
18 for that meeting?
19 A Yes. To recap, we had the delegation that had been
20 the presidential delegation, Rick Perry, myself, Gordon
21 Sondland, and Senator Johnson. I believe Mr. Kupperman, the
22 deputy national security adviser was there, I believe
23 Mr. Mulvaney was there, but I'm not sure about that. Our
24 Charge at the time in Kyiv, Joe Pennington, was not there.
25 Q Okay. And approximately how long did the meeting

1 last?

2 A I would suspect about a half an hour.

3 Q And can you describe the discussion --

4 A Yes.

5 Q -- that occurred?

6 A Yes. The President started the meeting and started

7 with kind of a negative assessment of the Ukraine. As I've

8 said earlier --

9 Q Yep.

10 A -- it's a terrible place, all corrupt, terrible

11 people, just dumping on Ukraine.

12 Q And they were out to get me in 2016.

13 A And they were out to get -- and they tried to take

14 me down.

15 Q In 2016?

16 A Yes. And each of us took turns from this

17 delegation giving our point of view, which was that this is a

18 new crowd, it's a new President, he is committed to doing the

19 right things. I believe I said, he agrees with you. That's

20 why he got elected. It is a terrible place, and he

21 campaigned on cleaning it up, and that's why the Ukrainian

22 people supported him.

23 So, you know, we strongly encouraged him to engage with

24 this new President because he's committed to fighting all of

25 those things that President Trump was complaining about.

Q And how did the President react?

A He just didn't believe it. He was skeptical. And he also said, that's not what I hear. I hear, you know, he's got some terrible people around him. And he referenced that he hears from Mr. Giuliani as part of that.

Q Can you explain a little bit more about what the President said about Rudy Giuliani in that meeting?

A He said that's not what I hear. I hear a whole bunch of other things. And I don't know how he phrased it with Rudy, but it was -- I think he said, not as an instruction but just as a comment, talk to Rudy, you know. He knows all of these things, and they've got some bad people around him. And that was the nature of it.

It was clear that he also had other sources. It wasn't only Rudy Giuliani. I don't know who those might be, but he -- or at least he said, I hear from people.

Q Okay. Did anyone else come into the Oval Office during the meeting that you can recall?

A Not that I can recall. It's possible, but -- I was sitting facing the desk, and he was sitting facing us, and I couldn't see what was happening behind me.

Q He being the President?

A Yeah, the President sitting at his desk, the delegation facing him, and I could not see what was happening behind.

1 Q Okay. Do you know whether Rudy Giuliani was at the
2 White House that day?
3 A I don't.
4 Q He was not in the meeting?
5 A He was not in the meeting.
6 Q And what was the outcome of that meeting? What was
7 the conclusion, the takeaways?
8 A The outcome was that the President agreed to sign a
9 congratulatory letter to President Zelensky and invite him to
10 the White House.
11 Q And that's the letter we talked about earlier?
12 A And that's the letter we have.
13 Q Okay. So I'd like to move on, ask you quickly
14 about a June 4, 2019 meeting between Jared Kushner and
15 President Zelensky at the U.S. mission to the EU's
16 Independence Day celebration. Are you aware of that meeting?
17 A I am aware of President Zelensky going to U.S. --
18 or to the European Union, and I believe there was a dinner
19 that Gordon Sondland was at with him or maybe Gordon even
20 hosted. I'm not sure who else was there.
21 Q Did you attend the meeting?
22 A I did not.
23 Q Okay. Did you prep the meeting?
24 A No, I did not.
25 Q Okay. Did you get a readout from the meeting?

A I did not really get a readout either, other than Gordon told me that Jay Leno was there. And that was --

Q Why was Jay Leno there?

A I have no idea.

Q And who else -- Secretary Perry was there, correct?

A I don't know. I don't know the answer to that.

Q Oh, you don't know.

A I don't know.

Q You don't know the participants on the U.S. side?

A No, I don't.

Q Do you know anything else about the June 4 meeting?

A I don't. I was not really plugged into that.

Q All right. So I want to move to -- jump to the July 10th meeting.

A Yes.

Q This is with the Ukrainians.

A Yes.

Q Danylyuk and Yermak at the White House?

A Yes. Yes. With John Bolton.

Q Can you just describe kind of the course of events for the Ukrainians visit to Washington, D.C., who they met with, the sequence of meetings that you participated in, just give us the lay of the land.

A Yeah. To the best of my recollection, Danylyuk was coming in his official capacity as the chairman of the

1 National Security and Defense Council for a meeting with
2 Bolton as a counterpart, so starting up that relationship. I
3 had drinks with him the night before.
4 Andriy Yermak was also in town at the same time. This
5 was not fully coordinated between the two of them. And there
6 was some obvious, I don't want to call it tension, but a
7 little sense of Danylyuk assuming the official role when
8 Yermak feels that he's the one closer to President Zelensky,
9 so it just created a little bit of a dynamic between them
10 that you could see. I met with -- so I said I met with
11 Danylyuk for drinks in the evening before.
12 Q Where did you have drinks?
13 A At the Metropolitan Club. And the next morning I
14 met with Yermak for coffee.
15 Q And where was that?
16 A And that was at the Trump Hotel. And then I saw
17 both of them at the meeting with John Bolton.
18 Q At the White House?
19 A At the White House.
20 Q Okay. And remind us who the other participants
21 were.
22 A I believe it was Rick Perry, Gordon Sondland,
23 myself, an NSC staffer, I'm not sure who it was now, somebody
24 from the National Security Council staff, John Bolton
25 himself.

1 Q What was discussed at the meeting, sum and
2 substance?
3 A Yeah. It was --
4 Q Is this the one you were telling us about earlier
5 where Danylyuk was getting way too bureaucratic?
6 A Exactly, yes. It was talking about legislation to
7 reform the security services, legislation to reform the
8 defense establishment, and really getting down into the
9 bureaucratic weeds, and not conveying a top-level message, a
10 strategic message.
11 And Yermak didn't say a word in the meeting. It was
12 only Danylyuk doing his presentation and talking because he
13 was -- Yermak was respecting Danylyuk's role of making this
14 presentation. And the meeting was just kind of flat, and I
15 thought it was a missed opportunity.
16 Q Did you have a goal for the meeting, something that
17 was supposed to happen with Bolton?
18 A Well, two things: One of them, I wasn't involved
19 in scheduling the meeting. It was just a normal, you know,
20 he's coming as a new counterpart, but I was hoping that
21 Danylyuk would give Bolton more of a political sense about
22 what's going on in Ukraine, who the new team is, who Zelensky
23 is, and he didn't talk about that. So I thought that was the
24 missed opportunity. He did not convey what's really
25 happening.

1 And I was also hoping that with that John Bolton would
2 become more activated in trying to get the date for the
3 White House visit for Zelensky, and that didn't happen.
4 Q Which had been promised by President Trump in that
5 letter?
6 A Yes.
7 Q At the end of May?
8 A Yes. And that's why I texted Bill Taylor that this
9 was not good.
10 Q Was there any discussion during that meeting about
11 Giuliani's --
12 A No.
13 Q -- activities in Ukraine?
14 A No.
15 Q Okay. Anything about the investigations that we've
16 been talking about?
17 A No.
18 Q Was there any discussion about possible U.S.
19 sanctions on a Russian oil pipeline?
20 A That's possible. I don't remember, but it is
21 possible that that was a topic.
22 Q Was there a discussion of possible Trump-Zelensky
23 Oval Office meeting at that meeting?
24 A Yes. Yes. I'm sure --
25 Q What was discussed in that about that?

A It was just do we have a date for a visit yet, and John Bolton saying, no, we don't have a date.

Q Did he give an explanation why?

A I believe it was just scheduling. You know, it's tough to schedule. The President's got a lot of things stacked up on his calendar looking forward, not giving a substantive reason but a scheduling reason.

Q That's what Bolton gave?

A Yes.

Q Okay. Were there any other meetings between the Ukrainians and U.S. Government officials on that visit to D.C.?

A Probably. I don't know. Well, I do know. I take that back. I do know that Andriy met with Members of Congress.

Q Do you know who Andriy met with?

A I don't. But he told --

Q Did you ever get a readout of who --

A No. No. He told me subsequently and it was probably -- we're probably looking at least a month later, we were talking, and he mentioned that not only was he there for the Bolton meeting but he had other meetings with Members of Congress as well, bipartisan.

Q I want to jump forward to July 26, 2019. That's the day after the Trump Zelensky call.

A Yes.

Q You had a meeting in Kyiv along with Ambassador Sondland and Ukrainian officials, correct?

A Yes.

Q Who did you meet with?

A So on the 25th I had a series of meetings with a variety of people. I wanted to meet with the heads of each of the different parties that had been elected to the parliament. So new parliament, new people in town.

So that would include Poroshenko, who has his own party; Tymoshenko, who has her own party; Slava Vakarchuk (ph), who has a new party called The Voice; a representative of the United Opposition Block, which tends to be more Russian leaning, that was Boyko.

And I'm sure there are a few others. I think I had a breakfast with humanitarian organizations working in the Donbas, maybe a civil society group as well that are dealing with the anticorruption issues. The next day -- I had lunch with Yermak that day as well, on the 25th.

Q On the 25th?

A On the 25th.

On the 26th I had -- I guess that's when I had the breakfast with the humanitarian organizations. We had a meeting with President Zelensky. Bill Taylor was at that meeting as well, along with other staff from the embassy.

1 And then we went out to visit the conflict zone.

2 Q Okay. Did you discuss with the Ukrainians after

3 President Trump and President Zelensky's call about the call,

4 having any discussions --

5 A Just very briefly as we discussed before, just top

6 lines. They were pleased that the call had taken place. It

7 was a congratulatory call. They thought it went well. And

8 they were encouraged again because the President had asked

9 them to pick dates for coming to the White House.

10 Can I also add --

11 Q Sure.

12 A -- the principle topic of the meeting with Zelensky

13 at the time was what was going on in Stanitsa Luhanska with

14 the disengagement of Ukrainian forces, what the Russians were

15 doing, and how the Ukrainians now saw the next steps of how

16 to improve the ceasefire, work towards Minsk implementation.

17 This was the first time that Zelensky really seemed to

18 have a command of those issues and was doing things. And so

19 we had a -- I'd say, at least two-thirds of the conversation,

20 if not more, was just about that.

21 Q Okay. I want to fast forward to September 9 of

22 2019.

23 A Yep.

24 Q Were you aware on that date that the Intelligence

25 Committee, the Committee on Oversight and Reform, and the

1 Foreign Affairs Committee launched an investigation into Rudy
2 Giuliani's activities in Ukraine, the withholding of -- or
3 the freeze of military assistance to Ukraine? Were you aware
4 that that investigation had been launched?
5 A Yeah. There are two letters -- there were two
6 letters sent from the three committees to Secretary Pompeo,
7 one seeking this transcribed testimony and another one
8 seeking documents. You're now referring to those two?
9 Q No. I'm referring to September 9.
10 A Yeah. I don't remember that.
11 Q To the State Department.
12 MR. GOLDMAN: Yeah. There was a September 9th document
13 request to the State Department. That was the -- and as well
14 as the White House.
15 MR. VOLKER: Do you mind if I check the timeline that we
16 have here to see what I was doing at that time?
17 BY MR. NOBLE:
18 Q Sure. Sure.
19 A No, I was not aware of that. I was hosting a
20 conference in Tbilisi for the McCain Institute.
21 Q Did there come a time when you learned about the
22 investigation?
23 A Just now.
24 Q You weren't aware that Congress had launched an
25 investigation on September 9 --

A No.

Q -- in the --

A No.

Q So I can take it, you didn't have discussions about that investigation --

A No.

Q -- with anyone at the State Department?

A No. Sorry.

Q Okay. No. Just asking. Just checking. Okay.

MR. SWALWELL: But let me, Ambassador --

MR. VOLKER: Yes.

MR. SWALWELL: -- you became aware, I'm sure, through public reporting in early September that there was a whistleblower complaint and news outlets were reporting that that complaint related --

MR. VOLKER: Yes.

MR. SWALWELL: -- to Ukraine?

MR. VOLKER: Yes.

MR. SWALWELL: You were aware?

MR. VOLKER: When the news media broke the story about there being a whistleblower who was -- the initial news reports were that the President made an inappropriate promise in a phone call with a foreign leader. And I remember hearing that.

1 And then I believe it was about 2 days later it emerged
2 that it was about Ukraine. And then, you know, the cycle
3 just escalated from there, and I followed those media reports
4 and then I saw the transcript released and then I saw the
5 whistleblower report released.
6 MR. SWALWELL: Thanks.
7 BY MR. NOBLE:
8 Q Okay. So going to jump forward to September 17.
9 We understand there was a call between Secretary Pompeo and
10 the Ukrainian foreign minister. Are you aware of that call,
11 September 17?
12 A That rings a bell. September 17. We don't have
13 any more information -- that rings a bell. I believe that
14 took place.
15 Q Okay. So did you help prepare the Secretary for
16 that call?
17 A In the sense that I would meet with the Secretary
18 periodically to update him on what I was doing and things
19 with Ukraine. I think I had met with him on -- I had just
20 made a note as I was going through some of these messages
21 that are in here. I know that I met with him on August 19.
22 Q With Secretary Pompeo, August 19?
23 A With Secretary Pompeo. Then we had the national
24 day things, then we had Bolton's visit, then we had Labor
25 Day, and then I was traveling. And so I did not speak to the

1 Secretary specifically before that phone call in a narrow
2 time window, but I was pretty sure he was up to speed on
3 things happening with Ukraine.
4 Q Did you get a readout from that call?
5 A No, I didn't. I believe that it was a first phone
6 call, you know, that it's, I'm the new foreign minister.
7 I've just been appointed. Happy to work with you. That is
8 my understanding.
9 Q Okay. And we understand that on September 18 Vice
10 President Pence had a call with President Zelensky? Are you
11 aware of that?
12 A Say that again. September 18?
13 Q September 18, the next day, a call between Vice
14 President Pence and President Zelensky?
15 A That I'm not sure I did know about.
16 Q So you don't know anything about that particular
17 call?
18 A Yeah. I'm just trying to think. Yes. Wait. Yes,
19 I do. Yes, I do. I take it back.
20 Q This is leading up to UNGA.
21 A Yeah. This was a followup. He had met with
22 President Zelensky in Warsaw. Remember, he had no
23 information to give about security assistance, and he was
24 going to advocate for a White House meeting. And I believe
25 that this phone call was the Vice President getting back to

President Zelensky to follow up on those things, saying security assistance is moving, and we are moving ahead with a White House visit -- with a bilateral meeting.

Q And you said you believe that. Why do you believe that?

A I'm just trying to remember conversations I had with Bill Taylor who told me about it.

Q Okay. Bill Taylor told you about the September 18 call?

A Yes.

Q So then I want to jump to the meetings on the sidelines of the United Nations General Assembly --

A Yes.

Q -- between President Trump and President Zelensky on September 25. You attended UNGA, didn't you?

A I did.

Q Did you help prepare for that meeting?

A Yes.

Q Between the Presidents?

A I did not prepare the Presidents specifically. I did have these conversations with Secretary Pompeo in advance of the UNGA meetings.

Q What did you discuss with Secretary Pompeo about the meeting?

A Well, that it's great that we can schedule it,

1 important to get the two leaders together. By this time it
2 was all well in the public domain about Rudy Giuliani, about
3 text messages, about, you know, investigations and so forth.
4 And, you know, I had several things that -- one of them
5 is, Ukrainians, if you're going to release the transcript of
6 the call, the Ukrainians want to see it first. They would
7 also like to have the meeting first and talk before releasing
8 a transcript. That did not happen.
9 Q Who made that request to you from the Ukrainian
10 side?
11 A Yermak, Andriy Yermak.
12 Q And do you know why he wanted to see the transcript
13 first or have the meeting about it?
14 A So they could prepare their own messaging and
15 prepare the President. And also there's -- in their minds
16 this is also a little bit of respect, that if -- you know,
17 they first off, don't want a transcript involving their
18 leader to be released, but if it's going to be released, at
19 least do the courtesy of sharing it and talking about it
20 first so that it can be seen to be something that they agreed
21 on rather than just letting it go.
22 Q And to your knowledge, did the White House or
23 anyone else consult with the Ukrainians as they requested
24 about the release of the transcript?
25 A I believe that Secretary Pompeo spoke with

President Zelensky and informed him that we felt we had no choice but to release the transcript.

Q Did Secretary Pompeo say why he had no choice but to release the transcript?

A I think it was just the public buildup of, you know, expectation from the whistleblower report or from the knowledge of the whistleblower report -- it wasn't released yet -- but from the knowledge of the whistleblower report, we've got to release this phone call transcript.

Q And after the transcript was publicly released, did you have conversations with any Ukrainian officials about its contents?

A I'm sure I did, but nothing really to say. I mean, the transcript was what it was. We didn't really go over it. It was something that then was being managed at pretty high levels.

Q What do you mean by that?

A Well, I'm not -- having read the transcript, it's a lot of information that I wasn't aware of. And the public commentary about this was coming from the President, so I'm not really engaging in trying to discuss it.

Q Okay. Did the Ukrainians express any concerns to you about the contents of the call?

A They didn't express concern about the content. They did express concern about the fact of its release.

Q And what was their concern about the fact of the release?

A That it had not been well coordinated with them. They felt that they were being a little bit -- that their interests were being disregarded or subordinated to U.S. domestic political activity.

Q In advance of President Trump and President Zelensky's press conference at UNGA, do you know whether President Zelensky or any of his advisers spoke to any of the -- to the President or to any of his advisers?

A In advance of that?

Q Yeah.

A I spoke with Andriy Yermak in advance, and we were talking more about -- one of them he was raising a concern about the release of the transcript. I said I would see what I could do, and I conveyed that message to Secretary Pompeo and through an intermediary, through the executive secretary.

And then we talked about what some of the substance and followup of the meeting could be, how do we build on this, and that was the conversation I had with Andriy the night before.

Q At any point during UNGA or leading up to UNGA, was the subject of the investigations that President Trump and Rudy Giuliani had been pressing the Ukrainians to commence raised, the issue of the investigations?

A No, not with me and not in any of my conversations.

Q Do you know whether there was any discussion between the Ukrainians and U.S. officials about the security aid during UNGA?

A No, because by that point it had been lifted, and so it was all moving, and I think there was a satisfaction that that's behind us.

Q Do you know why it was lifted, the freeze?

A I believe that the letter from the Senators, the one that I shared with the defense minister in a text message, I believe that had an impact on the White House.

Q Are you aware that the freeze was lifted after Congress announced that it was investigating the freeze and the President's efforts to get Ukraine to investigate Joe Biden?

A Yeah, I heard -- no, I wasn't aware of that. I heard something different. I heard that there was a threat to withhold funding for other things from Congress if this funding did not go forward. And that may have had an impact.

Q But to be clear, you don't know the reason why the funding -- the freeze was actually lifted?

A No, I don't know why it was put in place and I don't know why it was lifted. We can try to infer about just the President's general attitude, but I believe the reason it was lifted overall was just as I had anticipated from the

1 beginning, everybody who knows Ukraine and knows the policy
2 thinks this is a good idea.
3 There was also timelines involved, and the Pentagon was
4 very clear in communicating with me, and I assume therefore
5 also communicating with the White House, that they were going
6 to have to move some of this anyway because they were going
7 to comply with the law.
8 Q During UNGA, was there any discussion between U.S.
9 officials and Ukrainian officials about a visit to the
10 White House for President Zelensky?
11 A Repeat that question again.
12 Q During UNGA --
13 A During UNGA.
14 Q -- during that week or leading up to it, was there
15 any discussion of the visit?
16 A Yes. Yes, it's on camera. President Zelensky and
17 President Trump did about the first 30 minutes of their
18 bilateral meeting on camera in order to show that they're
19 sitting there and working together and answering questions.
20 And President Zelensky made a joke about it. It didn't
21 come across in English as funny as it probably seemed to him
22 in Ukrainian, but I could tell that it was him --
23 Q What was the joke?
24 A Well, it was that -- thank you for inviting me to
25 the White House. I'm really looking forward to coming, but I

1 think you forgot to tell me the date.

2 Q So this date, has the White House visit for

3 President Zelensky been scheduled, to your knowledge?

4 A To my knowledge -- well, I shouldn't answer it that

5 way, because I'm now out of the information loop, so I don't

6 know whether one has been scheduled. As of when I resigned,

7 it had not been scheduled.

8 MR. SWALWELL: You included Dan Hoffman in your

9 production, and I want to know why?

10 MR. VOLKER: Yeah. Yeah. Dan Hoffman is a former CIA

11 station chief in a couple of different places. The

12 Ukrainians were in the midst of reforming their security

13 structures, and they were concerned about personnel, and they

14 were concerned about getting the structure right.

15 So I know Dan Hoffman, and so I offered to both

16 Danylyuk, as the head of the National Security Defense

17 Council, and also Yermak, he's going to Ukraine. If you

18 would like to meet with him, I'll put you in touch.

19 MR. SWALWELL: Do you know if they met?

20 MR. VOLKER: I don't know actually. I never heard back.

21 I know they got in contact or both of them said they wanted

22 to meet, but then I don't know what the followup was.

23 MR. SWALWELL: And Mr. Hoffman is a private citizen who

24 sits on the President's Intelligence Advisory Board today.

25 Is that right?

1 MR. VOLKER: Yes, that's correct.
2 MR. SWALWELL: Was he involved at all in this discussion
3 with the Ukrainians around Mr. Giuliani?
4 MR. VOLKER: I have no reason to think that he would
5 have been involved in that at all.
6 MR. SWALWELL: These text messages, are they your
7 personal phone or are they --
8 MR. VOLKER: Yes.
9 MR. SWALWELL: -- government phone?
10 MR. VOLKER: Yes.
11 MR. SWALWELL: Your personal phone?
12 MR. VOLKER: Yes.
13 MR. SWALWELL: Were you provided with a government
14 phone?
15 MR. VOLKER: I was provided with a government phone.
16 MR. SWALWELL: Are there text messages on your
17 government phone as well?
18 MR. VOLKER: I don't believe so. I couldn't figure out
19 how to do that. The password on the government phone always
20 seemed to drop, and I couldn't get into it.
21 MR. SWALWELL: Why WhatsApp?
22 MR. VOLKER: WhatsApp is what the Ukrainians prefer to
23 use, less ability to be listened into by foreign intelligence
24 than WhatsApp.
25 MR. SWALWELL: I think there may be a few more questions

about the phone. I just want to ask, you know, going through your biography and your service to our country and the fact that you stepped up here to serve for free, as you said, sacrifice to your family, sacrifice to the McCain Institute, and you had, I think as Mr. Goldman said, very good intentions as far as executing U.S. policy.

Now that you have the benefit of hindsight and you're able to look at the other track that was being run by Mr. Giuliani and even the President involving Mr. Giuliani, how does it make you feel that you were doing all of this work and you were not read into this other track, which the Ukrainians certainly knew was going on?

[6:11 p.m.]

MR. VOLKER: How did it make me feel?

MR. SWALWELL: I mean, isn't it embarrassing as a diplomat? That you are the diplomat. You have the experience, you're charged with doing this. Mr. Giuliani is not a diplomat. He's not a U.S. Government employee. He doesn't have a security clearance. And he's not sharing with you and the President is not sharing with you this other track.

MR. VOLKER: Yeah. What I would say is it makes me feel that it's very, very unfortunate, because we had done such good work on policy with Ukraine, pushing back Russia, supporting them, democratic transition. Things are going great. And this separate track, as you refer to it, ends up overshadowing the work that we've done and the need to continue that work going forward.

MR. SWALWELL: Thank you. Mr. Goldman.

BY MR. GOLDMAN:

Q Ambassador Volker, on that topic, you mentioned earlier that the first 6 months of President Zelensky's Presidency were very important. What did you mean by that?

A I meant that they won an absolute majority in parliament, 254 out of 450 seats. So they would be able to pass legislation on day one. But that majority is going to erode. He's going to have defectors from his party who are

1 either bought off by corruption or supporting Kolomoisky or
2 unwilling to stick with the legislation. And he also has
3 this dynamic of Mr. Kolomoisky showing up and being quite
4 visible in Ukraine.
5 And he's got a limited window in which to seize the
6 reins of power, get real legislation passed, and push through
7 a fundamental reform of all the different systems in the
8 country and to fight corruption. And if he doesn't get that
9 through in the first 3 to 6 months, he will probably lose his
10 parliamentary majority and probably be unable to accomplish
11 much after that. So there's a critical window here for him
12 to be successful.
13 Q And how important is his success tied to the United
14 States' political or diplomatic support?
15 A I believe it's very important that he has that.
16 Q Why is that?
17 A It is seen by others in Ukraine as validating and
18 will convince them to stick with him if he has U.S. support.
19 Q And what is the significance to President
20 Zelensky's reputation and performance in Ukraine of a White
21 House visit?
22 A It enhances his stature, that he is accepted, that
23 he is seen at the highest level. The imagery you get from
24 being at the White House is the best in the world, in terms
25 of how it enhances someone's image.

1 Q And you've also testified today about the military
2 and security assistance that the United States provides to
3 Ukraine?
4 A Right.
5 Q How important is that to Ukraine?
6 A It's also critically important. It's essential
7 that we continue to provide it for a variety of reasons, for
8 the substantive reason of reforming and improving their
9 defense capabilities, deterring further Russian aggression, a
10 symbol of U.S. support, and strengthening a negotiating
11 position to cause Russia to eventually want to settle the
12 war.
13 Q So the success of President Zelensky within his
14 first 3 to 6 months, how much do you think that that depends
15 on the political, diplomatic, and military assistance that
16 the United States provides?
17 A I think that it -- how do you want to say this? It
18 is critically important that we do everything we can as
19 quickly as we can. That was my operating assumption, that
20 this is now the moment.
21 Q A couple rounds ago, you answered some questions
22 about this Burisma investigation. I just wanted to circle
23 back to it for one second, because I think you testified that
24 it was important to find out what the facts might be about
25 Burisma. Were you referring to the allegations of a few

1 years ago I believe that you described about Burisma's money
2 laundering or some other corrupt or criminal conduct by the
3 company itself?
4 A I was referring to that and anything else that
5 might have involved corrupt activity from the company.
6 Q And I believe you said that -- you testified
7 earlier that there's no doubt in your mind that Vice
8 President Biden was acting completely on the -- I'm
9 paraphrasing, but on the up and up, in terms of his
10 recommendation to get rid of Prosecutor General Shokin. Is
11 that right?
12 A Correct. He was executing U.S. policy at the time
13 and what was widely understood internationally to be the
14 right policy, right.
15 Q And so the allegations that there may have been
16 some improper conduct by Vice President Biden at the time
17 have been debunked, correct, and there is actually no
18 evidence that that is the case. Is that your understanding?
19 A I'm not sure I follow the question. I'm sorry, I
20 don't mean to be --
21 Q No, I just mean you're familiar I think with what
22 you said in your meeting that you had with Mr. Giuliani about
23 how he was explaining to you what Biden, Vice President
24 Biden's role was and Prosecutor General Shokin. You're not
25 aware of any evidence that Vice President Biden did anything

1 improper in his --
2 A Correct.
3 Q -- relations with Ukraine; correct?
4 A Yes, that's right.
5 Q So when Rudy Giuliani, or now, you have the benefit
6 of the call record where President Trump talks about Burisma
7 or Biden, you understand that -- or talks about Burisma,
8 rather, let's just -- Rudy Giuliani talks about Burisma. You
9 understand he doesn't actually care whether the Ukrainian
10 Government investigates a Ukrainian company for corruption,
11 correct?
12 A What Rudy said to me once was, all I want is for
13 Ukraine to apply its own laws, and investigate and apply its
14 own laws, no political interference in investigation.
15 Q So is it your testimony that you understood that
16 Rudy Giuliani's desire for the Ukrainian Government to
17 investigate Burisma had to do with potential money laundering
18 or other criminal conduct by the company itself, and not in
19 connection to either Joe or Hunter Biden?
20 A No. I believe that Giuliani was interested in
21 Biden, Vice President Biden's son Biden, and I had pushed
22 back on that, and I was maintaining that distinction.
23 Q So you were maintaining that distinction, because
24 you understood that that whole theory had been debunked and
25 there was no evidence to support it, right?

1 A Yes. That it was not --
2 Q So if that is the case, yes, that is the case, then
3 if he insists on Ukraine opening an investigation, why is
4 that not manufacturing an investigation when there is no
5 evidence there?
6 A Well, I'm not sure that anything ever had been
7 investigated. We did have allegations made by the Prosecutor
8 General in Ukraine, which he later retracted, Lutsenko.
9 Q Okay. So he made them and retracted them?
10 A So what I think would have been very useful would
11 be for Ukraine to clarify what's all this about, i.e.
12 nothing. Lutsenko said this, he retracted it. There's
13 nothing there.
14 Q But that's not an investigation, right?
15 A Well, in order to say that, you would presumably
16 want to investigate.
17 Q Okay. But you'd want to investigate something that
18 they had already established there was no evidence to
19 investigate?
20 A Right. If there's no evidence, then that's what
21 you can say.
22 MR. GOLDMAN: Yeah, Mr. Noble.
23 BY MR. NOBLE:
24 Q Just some quick questions to kind of test your
25 scope of knowledge. Not test. I'm not trying to test you.

1 Are you aware of a Skype conversation between --
2 A I was always did best in geography when it came to
3 Trivial Pursuit.
4 Q In spelling Ukrainian.
5 Are you aware of a Skype conversation between Rudy
6 Giuliani and former Prosecutor General Victor Shokin in late
7 2018?
8 A No.
9 Q Are you aware of a meeting in late January 2019
10 between Rudy Giuliani and then-Prosecutor General, January
11 2019, Yuriy Lutsenko in New York?
12 A I've heard that meeting took place.
13 Q Do you have any personal knowledge of that meeting?
14 A I have no personal knowledge of the meeting. I
15 just heard that it took place.
16 Q How about a meeting between Giuliani and Lutsenko
17 on the sidelines of the Middle East Conference in Warsaw,
18 Poland, in February 2019?
19 A I have not heard about that.
20 Q Were you aware then in March 2019, the month after
21 he met with Giuliani, Lutsenko announced that he was
22 reopening the investigations into Burisma and Manafort?
23 A I think I knew that. I don't know if he did that
24 or not, but I think I heard that he had said that.
25 Q How did you hear that?

A Just press.

Q You didn't have any conversation with Lutsenko about that?

A No, no, no.

Q Did you have any conversations with Ukrainian officials about the reopening of those investigations?

A No, no.

Q And then he later closed those investigations in, I believe, May of 2019. Is that correct?

A I think that's right.

Q In April of 2019, before the final round of the Ukrainian Presidential election, we understand that Ukrainian Interior Minister Arsen Avakov traveled to Washington, D.C. Are you aware of that visit?

A Yes, yes.

Q What do you know about that visit?

A I believe I saw him on that visit, and he was distancing himself from Poroshenko and wanted to have a separate set of relationships in Washington different from Poroshenko, probably with a view of wishing that he would be kept in office as well.

Q Similar to Lutsenko?

A Similar to Lutsenko.

Q Do you know who Interior Minister Avakov met with in Washington, D.C.?

A No, I don't. No.

Q Following that visit, he essentially switched his allegiance to Zelensky, correct?

A Yes, yes.

Q Is he still the Interior Minister?

A I believe he is.

Q Have you ever had any conversations with him, Avakov?

A Once. In that visit that he made to Washington, we had a brief meeting. And the focus that I had in communicating with him was free and fair elections. Make sure that these elections are clean, free, fair, secure. Ukraine has had bad examples of this in the past. And he's in Charge of the police.

Q Are you aware of any meetings or communications between Rudy Giuliani and Avakov?

A No.

Q Are you aware of any meetings or communications between any Member of Congress and Interior Minister Avakov?

A No.

Q Are you familiar with the whistleblower complaint, the IC whistleblower complaint?

A Yes.

Q After it was made public, did you have any conversations with anyone at the State Department about the

allegations in the whistleblower's complaint?

A I'm trying to think. The allegations being about the Biden phone call?

Q Yes.

A Yes.

Q Among other things.

A Yeah. I'm trying to think. The only -- the answer I believe is no. It came out -- I didn't have any conversation before it was released. It came out I believe on the 26th of September. Is that correct?

Q That is correct.

A And then I resigned on the 27th. So no.

Q Did you speak to Secretary Pompeo during that meeting we talked about earlier regarding your resignation about the whistleblower's allegation?

A No. No, I -- it was a 10-minute call and it was about my decision to step down.

Q Did you ever speak to any U.S. Government officials about the allegations in the whistleblower complaint, anyone at the White House?

A No, no.

MR. CASTOR: If I may, I think the 45-minute segment is up.

MR. NOBLE: Sure.

MR. CASTOR: Do you need a --

1 MR. VOLKER: I'm okay for now, if we can --
2 MR. SWALWELL: We're almost done.
3 MR. MEADOWS: God bless you.
4 MR. NOBLE: I'm almost done with mine.
5 MR. CASTOR: I'm looking down at poor Mr. Meadows and he
6 looks a little bit sad down there.
7 MR. MEADOWS: Mr. Ambassador, I want to come back to one
8 thing, only because I've been on Foreign Affairs for a long
9 time. And when we talk about foreign aid, and I think the
10 point was made that once it's appropriated, it's a done deal.
11 I happen to know better, and I think you probably know
12 better, having served in the State Department for a long
13 time.
14 Foreign aid is routinely held up while they're waiting
15 for authorizing committees to be notified for weeks, months.
16 Does that happen on a regular basis?
17 MR. VOLKER: All the time.
18 MR. MEADOWS: All the time. So, to suggest that there
19 is some nefarious purpose just because one foreign aid
20 allotment gets held up, you would have nefarious purposes
21 every single year through every appropriation process. Is
22 that correct?
23 MR. VOLKER: That is correct.
24 MR. MEADOWS: Because I think it's real important that
25 we put this in the context of what it really is.

1 MR. VOLKER: Yes.

2 MR. MEADOWS: It was a delay that you believed was

3 ultimately going to get finished and corrected. You believed

4 and communicated that to the Ukraine officials, not to worry,

5 that we are going to get this done. And, in fact, everyone

6 in your circle believed it would be done, including

7 Mr. Taylor, once you had that conversation. Is that correct?

8 MR. VOLKER: Yes, yes. I believe I persuaded him don't

9 worry, this is not going to stand.

10 MR. MEADOWS: And then ultimately, did I hear you

11 earlier say that he took a job, he was up for a job? Did I

12 mishear that?

13 MR. VOLKER: That conversation I believe relates to his

14 decision to accept being appointed as Charge.

15 MR. MEADOWS: Right. And so any concerns that he had,

16 obviously --

17 MR. VOLKER: They were allayed, yeah.

18 MR. MEADOWS: -- you persuaded him that, indeed, he

19 ought to go ahead and take the job, based on that you've

20 alleviated his concerns.

21 MR. VOLKER: Yes, and not just me, but also Secretary

22 Pompeo.

23 MR. MEADOWS: I want to clarify one other thing, because

24 as we've looked at this, one of the things that we continue

25 to look at is this whole Burisma-Biden. To your knowledge,

there was never an investigation of that. Is that correct?

MR. VOLKER: Yes. We just went through --

MR. MEADOWS: But he was trying to say that this whole thing has been debunked. It's impossible to have anything debunked if you don't investigate.

MR. VOLKER: I don't believe any -- yes, thank you, Congressman. That's exactly my understanding, is that it has never been investigated. And you have these allegations and then retraction of allegations, and it has never actually been investigated.

MR. MEADOWS: I just think it's important that we look at the clarification of these. And I do appreciate the fact that you've been very strong in believing that Joe Biden didn't do anything inappropriate.

MR. VOLKER: That is correct.

MR. MEADOWS: Do you think it might have been best, knowing that his son was on there, to maybe have recused himself from that decision?

MR. VOLKER: Hindsight.

MR. MEADOWS: In hindsight.

MR. VOLKER: I'm sure he got legal advice.

MR. MEADOWS: Because, I mean, we're talking about recusals. There's a plethora of recommendations on recusals around here.

MR. VOLKER: I don't want to answer what he should or

1 shouldn't have done. I mean, that's not for me to decide.
2 MR. MEADOWS: You're a career professional, and
3 honestly, over eight hours now, I've been impressed. Not one
4 time have you equivocated or dodged the question. It's rare.
5 I think even the majority would say it's rare. And so we
6 appreciate your candor --
7 MR. VOLKER: Thank you.
8 MR. MEADOWS: -- and your honesty in answering in all
9 regards.
10 I'm disappointed, because I believe that America is
11 being deprived of an unbelievable public servant with
12 knowledge of Ukraine and perhaps what is, maybe with the
13 exception of just the Middle East, one of the most difficult
14 places to actually navigate foreign policy.
15 I've been impressed not only with your spelling, but
16 with your knowledge here today. And I hope that you look at
17 staying involved as a Ukrainian expert, because that's,
18 indeed, what you are. I've gotten to meet a whole lot of
19 experts in their field, and yet, I'm very rarely impressed
20 and today I was impressed. So I just want to say thank you.
21 MR. VOLKER: Very kind of you, Congressman. Thank you.
22 MR. MEADOWS: I want to close by saying this: There's
23 going to be spin that comes out of this particular
24 transcribed interview. There's going to be things that are
25 in the media that you supposedly said. They're going to

take, you know, a little sentence and suggest that it means something other than the context of the 8 hours that we've had. I think it's critically important that the message to the American people is very clear. And that message that I heard you very loud and clear today is that there was no quid pro quo at any time ever communicated to you. Is that correct?

MR. VOLKER: Not to me, that is correct.

MR. MEADOWS: In your conversations with the Ukrainian officials, was there ever a time where they communicated to you that they believed that there was a quid pro quo?

MR. VOLKER: No. We went over earlier this thing about a statement and how that would be helpful in getting a White House date, but I think that we eventually dropped that, kept working on the date and saying we are still going forward.

MR. MEADOWS: In fact, the readout, according to your testimony, from Ukraine and the understanding from the State Department, two groups that didn't talk to each other, were very similar in that they felt like the call was a positive call and a positive move going forward. Is that correct?

MR. VOLKER: That is correct.

MR. MEADOWS: And finally, in all of this, I think it's also important to the American people that they understand one critical component of your involvement in all of this. You're a professional. If you were ever asked to do

1 something that was wrong and not in the best interests of the
2 United States, would you do it?
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1 MR. VOLKER: Of course not.

2 MR. MEADOWS: Okay. Were you ever asked to do something

3 that was wrong by this administration or anybody connected

4 with this administration?

5 MR. VOLKER: No, I wasn't.

6 MR. MEADOWS: Including the President of the United

7 States?

8 MR. VOLKER: Including by the President. I was never

9 asked to do anything that I thought was wrong. And I found

10 myself in a position where I was working to put together the

11 right policies for the administration and using all the

12 friends and network and contacts that you have, Pentagon,

13 State Department, NSC, to stitch that together, and I feel

14 that we were successful at doing that.

15 MR. MEADOWS: Do you believe it is in the best interest

16 of the United States and Ukraine to have a meeting in the

17 Oval Office with the two leaders, and is that something that

18 Members of Congress should encourage, in spite of everything

19 that's gone on?

20 MR. VOLKER: Yes, I do. I do. May I add to that,

21 Congressman?

22 MR. MEADOWS: Yes, please.

23 MR. VOLKER: Because despite everything that has led to

24 this testimony today, as impossible as it may be to do, if

25 you just put that out of your mind for a moment, we've had a

1 lifting of this hold on security assistance that's going
2 forward. We had a very positive meeting with the President
3 and Zelensky in New York. We have a renewed commitment to
4 there being such a White House visit. And we have momentum
5 in putting a little bit more pressure on Russia in the Minsk
6 process.
7 Substantively, things are actually okay. They're pretty
8 good right now. This is about as good as you would want --
9 this is where you would want to be if we didn't have all this
10 other thing going on in the background.
11 MR. MEADOWS: Well, you have my word that I'm going to
12 encourage -- based on your expertise and your expertise
13 alone, I'm going to encourage that very meeting.
14 MR. VOLKER: Thank you so much.
15 MR. CASTOR: I just have one followup. There was some
16 Q&A about whether you would -- after the whistleblower
17 complaint came to light whether, you know, you were talking
18 to Secretary Pompeo and some of the other folks about the
19 contents of the complaint.
20 And there was a reference to the Biden phone call that,
21 you know, you I think acknowledged in answering one of the
22 questions from our Democratic counterparts the Biden phone
23 call, and that was -- I just want to clarify that to the
24 extent we're referring to President Trump's call with
25 Zelensky and that readout, that wasn't a Biden phone call.

1 MR. VOLKER: Oh, I understand what you mean. Yes. What
2 I understood the question -- yeah, what I understood the
3 question to be was President Trump's phone call with
4 President Zelensky in which Vice President Biden was
5 mentioned.
6 MR. CASTOR: Okay, thanks.
7 MR. VOLKER: Thank you.
8 MR. SWALWELL: Ambassador, I think we've got about 10
9 more minutes. I just want to echo what Mr. Meadows said.
10 I'm sorry that you are leaving. You are a career
11 professional and I want to thank you for that.
12 I do want to put it in the context, though, that I
13 believe that your expertise should have been prioritized over
14 Mr. Giuliani's, and I think that is part of the problem here
15 and I wish that would have occurred.
16 I also don't want to be naive about the security
17 assistance that has gone through finally and the meeting that
18 may happen at the White House. It did take a whistleblower
19 complaint and an impeachment inquiry. I mean, that has to be
20 a part of the context, that only once those two happened did
21 the security assistance be released. Now, whether they're
22 related or not we may never know, but, I mean, that's an
23 important contextual aspect of this.
24 And so I think it's probably inaccurate to give credit
25 to the administration that none of that was going on in the

1 background. But, with that, I'm going to turn it over to
2 Mr. Goldman or Mr. Noble.
3 BY MR. NOBLE:
4 Q So I said we weren't going to go back to texts, but
5 I have some more questions on your texts. On page 44,
6 September 22nd, 2019, second line down at 12:04 p.m. Are you
7 there?
8 A Yes, I am.
9 Q And Ambassador Sondland says: Yes, can you meet
10 with S this afternoon? That's with Secretary Pompeo?
11 A Right.
12 Q And I believe you may have mentioned this meeting
13 before during your testimony, but can you provide the context
14 for why he was asking you to meet with Secretary Pompeo?
15 A Yes. This was to have a meeting, which for me was
16 the phone call on the 22nd of September, to talk with
17 Secretary Pompeo about Giuliani going very public with the
18 statements about our instructing him and that he was
19 representing the State Department and so forth.
20 Q Got it. In response to Giuliani's text to you, is
21 that right, that we went through earlier?
22 A Yes, his two attempted phone calls, his texts to
23 me, my conversation with Ulrich Brechbuhl, which had gotten
24 to the Secretary. And so this was a followup to that for a
25 conversation with the Secretary.

1 Q Okay. And then after the conversation with
2 Secretary Pompeo, it looks like a few hours later, at 7:21,
3 you wrote back to Sondland: Spoke with Rudy per guidance
4 from Secretary.
5 A Yes.
6 Q What guidance did Secretary Pompeo give you about
7 speaking with Rudy?
8 A He said to tell him that we had already said on
9 August 22nd, through the spokesperson of the State
10 Department, that I had connected Yermak to him at Yermak's
11 request, and provide him with that. And I did that.
12 Q And then you said: "He," meaning Rudy?
13 A Yes.
14 Q Said he will use the statement and talk with John
15 Solomon.
16 A Right.
17 Q What did Rudy tell you during that phone call?
18 A He said that that is helpful to have that statement
19 from August 22nd that confirms that I was the one who put
20 Yermak in touch with him, and he was going to then tell that
21 to John Solomon. That's what he said.
22 Q And John Solomon is the reporter at The Hill?
23 A He's a reporter at The Hill.
24 Q Or former reporter, right? He's no longer with The
25 Hill?

1 A Is that right?
2 MR. MEADOWS: One more day.
3 MR. NOBLE: One more day?
4 BY MR. NOBLE:
5 Q Why did Rudy want to talk to John Solomon about the
6 statement?
7 A I presume John Solomon was writing something, and
8 so he wanted to get this point into the article that Rudy was
9 not acting alone, but -- or that is not the right way to say
10 it. That Rudy was -- he did not initiate the contact with
11 the Ukrainians on his own, that I facilitated that for him.
12 Q And then Rudy Giuliani also urged you to talk to
13 John Solomon?
14 A He did.
15 Q Did you speak with John Solomon?
16 A No, I didn't.
17 Q Why didn't you talk to John Solomon?
18 A Because I didn't want to be engaging in this media
19 cycle with Rudy Giuliani.
20 Q Why not?
21 That's all I have.
22 BY MR. GOLDMAN:
23 Q All right. I just have a few closing questions,
24 Ambassador. Thank you for the long day and we do appreciate
25 you. Your stamina is impressive.

I just want to clarify one line of questioning that Mr. Meadows had. I think he was talking about the Burisma/Biden investigation, and I just want to be sure. Your understanding is that neither Hunter nor Joe Biden were ever investigated in connection to Burisma, right?

A My understanding is that they never were.

Q Okay. But Burisma itself was being investigated?

A Burisma had -- I believe there was an investigation into Burisma for a number of things, and Shokin, the former-former Prosecutor General, was not doing enough on that. I believe that the next prosecutor general, Lutsenko, started and stopped.

Q Okay. You had mentioned earlier this morning, actually, that there was some contact or communication that either you or your attorney had with the White House Counsel's Office.

A Yes.

Q Is that within the last week?

A I had a phone conversation with the White House Counsel's Office. I don't remember the exact date. It was after the telephone transcript came out and the whistleblower report came out. And it was a fact-finding call from them. Who am I, what did I say, what did I do, what -- you know, what is -- there's a reference to me in the whistleblower report. What does that mean? So just trying to give them as

1 much background as possible.

2 Q So the whistleblower complaint came out the morning

3 of last Thursday, the 26th of September, and you resigned the

4 evening of the following day. So was your --

5 A It was before that. It was before it came out

6 publicly then.

7 Q Do you recall when that was, when the conversation

8 was?

9 A I don't remember the exact day. It would have

10 been -- it fell kind of jammed together. I was in New York

11 for the UNGA. It was before the bilat meeting. There was an

12 issue about the train. So no, it may have been Thursday,

13 that Thursday, the same day it came out, the 26th, once I got

14 back to D.C.

15 Q And who did you speak with?

16 A I don't remember the names. The two people from

17 the White House Counsel's Office.

18 Q And just you, the three of you?

19 A Yes, yes.

20 Q And what were they asking you about?

21 A Just the facts. Just what is this -- you know,

22 when it says you, you know, were in contact with Rudy

23 Giuliani, what happened? Very much what I testified today.

24 Just getting the basic facts so that they were aware of

25 what's out there.

1 Q We've asked you some -- anything else? Did they
2 make any recommendations or suggestions to you?
3 A No. That's what I was going to say. They did not
4 ask me to do anything. They did not have any guidance. They
5 were literally in fact-finding mode.
6 Q And other than the one call that your attorney had
7 with the acting legal adviser at the State Department, have
8 you had any additional conversations since you resigned --
9 A Yes.
10 Q -- with any legal counsel for the administration,
11 White House, or State Department?
12 A With the State Department legal adviser. I believe
13 I spoke with him on the weekend, and I spoke with him on
14 October 2nd. No. Today is the 3rd. October 1st.
15 Q And what was the nature of those conversations?
16 A I wanted to find out -- two ways. He called me.
17 He wanted to know what my intentions were about testifying.
18 I told him that I intend to testify. He wanted to make sure
19 that I had seen the Secretary's letter, which I told him that
20 I had, giving reasons why this was an unreasonable request,
21 as the Secretary saw it.
22 He wanted to make sure that I was making sure the State
23 Department had access to all the things that are here in
24 this -- the text messages and things that you have access to,
25 which they do.

1 And he wanted to also make sure that if I had any other
2 records and emails or other things that I was -- I would go
3 back and double-check that they were copied to my State
4 Department email address.
5 That was the rule that I tried to follow and that was
6 approved is I can send things from my personal email, but I
7 must copy my State Department email address. And I tried to
8 follow that religiously, but there may have been examples
9 where I failed to, and to make sure that I went ahead and did
10 that.
11 Q We've talked a little bit -- a lot about Rudy
12 Giuliani and his interplay with the State Department today,
13 but I just want to ask you generally, did anyone else at the
14 State Department ever raise any concerns to you about Rudy
15 Giuliani's role in the Ukrainian situation?
16 A Yes.
17 Q Who?
18 A Bill Taylor that we've talked about and the Acting
19 Assistant Secretary, Phil Reeker. Both were just very
20 uncomfortable with him being active. As I said in my opening
21 testimony, my view is if it's a fact, we've got to deal with
22 it. You know, it's a problem. Yes, it is, but we've got to
23 deal with it and see if we can fix it.
24 Q You said it's a problem. What was problematic?
25 A The problem, as I said, was that he was amplifying

1 a negative narrative about Ukraine that was impeding our
2 ability to advance the bilateral relationship the way we
3 wanted.
4 Q And then, finally, the one question that we haven't
5 asked you, which I think is worth getting your input on:
6 When you first read the call record from the July 25th call,
7 what was your reaction?
8 A I was surprised. I had not heard anything about
9 Biden, Hunter Biden or Joe Biden in this entire time. And I
10 had been very active, as you see. I've been very active in
11 communicating with people, in trying to solve some of these
12 problems, in trying to get the White House visits together,
13 phone calls. And for that to have taken place and my not to
14 know that was quite a surprise.
15 Q In addition to being surprised, were you troubled
16 at all by what you read?
17 A Yes. This I believe was your question earlier. It
18 creates a problem again where all of the things that we're
19 trying to do to advance the bilateral relationship,
20 strengthen our support for Ukraine, strengthen the
21 positioning against Russia is now getting sucked into a
22 domestic political debate in the U.S., domestic political
23 narrative that overshadows that. And I think that is
24 extremely unfortunate for our policy with Ukraine.
25 Q And did you understand that at least some of the

1 discussion in that call was the President asking for Ukraine
2 to do something that would have an impact on the domestic
3 political situation here in the U.S. as well?
4 A Well, referring -- asking the President of Ukraine
5 to work together with the Attorney General and to look into
6 this, you can see, as it has now happened, this becomes
7 explosive in our domestic politics.
8 Q Well, I think you -- all right. You've said it
9 earlier. I'm not going to belabor the point.
10 MR. GOLDMAN: Did you want to say something before I
11 finish?
12 MR. SWALWELL: Ms. Speier from California has joined us.
13 MS. SPEIER: Thank you. I apologize for not being here
14 to hear all of your testimony, Ambassador.
15 I have an abiding question about the special prosecutor,
16 Lutsenko. Do you think that he is a good prosecutor?
17 MR. VOLKER: I believe you're referring to the
18 prosecutor general of Ukraine, Yuriy Lutsenko, who is no
19 longer in office.
20 MS. SPEIER: That is correct.
21 MR. VOLKER: And I believe that he was not credible and
22 that he was making things up, frankly, to create a
23 self-serving narrative to make himself look valuable to the
24 United States, in the hopes that we would urge the new
25 President not to remove him from his job.

1 MS. SPEIER: And there was at one point I believe in the
2 conversation between the President and President Trump in
3 which he was encouraging that Mr. Lutsenko be retained. Is
4 that not correct?
5 MR. VOLKER: Yes. The phone call here, I think they're
6 talking past each other a little bit on that point. On page
7 3 of the telephone transcript at the bottom, President Trump
8 says: I heard you had a prosecutor who was very good and he
9 was shut down, and that's really unfair.
10 I think President Trump here is referring to the former
11 Prosecutor General Shokin. And he says: A lot of people are
12 talking about that, the way they shut your very good
13 prosecutor down and had some very bad people involved.
14 This is the one that Vice President Biden was involved
15 in helping to remove from office, because he was widely
16 perceived as not fighting corruption.
17 Later --
18 MS. SPEIER: President Zelensky wasn't in power at the
19 time, and it was --
20 MR. VOLKER: When Shokin was prosecutor general, that is
21 correct. President Poroshenko.
22 MS. SPEIER: But he did have Lutsenko removed, correct?
23 MR. VOLKER: Do you mind, ma'am, if I can do
24 this sequentially, because I think it will answer your
25 question?

1 MS. SPEIER: Of course.

2 MR. VOLKER: So the President was referring to Shokin

3 and his removal. President Zelensky comes back in the

4 conversation and says: I wanted to tell you about the

5 prosecutor. First of all, I understand and I am

6 knowledgeable about the situation. Since we've won the

7 absolute majority in our parliament, the next Prosecutor

8 General will be 100 percent my person, my candidate, will be

9 approved by the parliament and will start as new prosecutor

10 in September.

11 So I believe he understood President Trump to be talking

12 about not Shokin but about Prosecutor General Lutsenko --

13 MS. SPEIER: Right.

14 MR. VOLKER: -- who at this time was still the

15 Prosecutor General.

16 MS. SPEIER: Correct.

17 MR. VOLKER: President Zelensky did not trust Prosecutor

18 General Lutsenko at all. He thought that he was there for

19 his own interests and to protect Poroshenko's interests and

20 was determined to remove him from office.

21 MS. SPEIER: But you're interpreting President Trump's

22 comments differently than I did. I thought he was being

23 supportive of Mr. Lutsenko, and wasn't it Mr. Lutsenko who

24 put the op-ed in The Hill about the three principles that he

25 thought needed to be reviewed, which included precisely what

1 Rudy Giuliani has been promoting?

2 MR. VOLKER: Yeah. So I'm not familiar with the op-ed

3 in The Hill. I read the President's comments here as not

4 talking about Lutsenko but talking about Shokin. And,

5 therefore, he's not trying to defend Lutsenko. And Zelensky

6 is not understanding that and talking about he's going to get

7 his own prosecutor general in place and then we will have a

8 reliable prosecutor general.

9 MS. SPEIER: All right. And then recently, Mr. Lutsenko

10 was interviewed by one of the cable TV channels and said that

11 he had investigated Mr. Biden and Hunter Biden and did not

12 find anything. Is there any credibility to that?

13 MR. VOLKER: That doesn't sound like what I saw. So

14 maybe he gave a different interview. I saw an interview on

15 Face the Nation on Sunday, and in that interview he said that

16 he did not investigate the Bidens, that he would only

17 investigate Ukrainian citizens. I don't know what he may

18 have said at another interview.

19 MS. SPEIER: Yeah. This was a CNN interview.

20 MR. VOLKER: I did not see that.

21 MS. SPEIER: All right. Thank you.

22 I yield back.

23 MR. SWALWELL: Just to clarify, does President Zelensky

24 speak English?

25 MR. VOLKER: Yes, he does.

1 MR. SWALWELL: Okay, that's all we have. Ambassador,
2 thank you. Thank you to counsel. Yes.
3 MS. DAUM: As I think you can all appreciate, the
4 Ambassador has been very open. He's been cooperative with
5 answering all of your questions today and in providing
6 information, documents to the committees today.
7 I think you can also understand that some of this
8 information is very sensitive from a diplomatic standpoint,
9 particularly his conversations with other diplomats, foreign
10 diplomats as well. This information has been provided to you
11 with the understanding that it's not classified and that this
12 interview transcript and the documents associated with it
13 will not be made public except in accordance with the rules
14 of the committee.
15 I'd also like to add that, as you can see in the letter
16 from the State Department to me that is now part of the
17 record, the State Department has concerns about the
18 privileges and the classification level of these materials
19 and has stated that it would need to conduct a legal and
20 classification review prior to the release of any of these
21 materials publicly.
22 I understand that the deposition rules of the committee
23 require Ambassador Volker to have an opportunity to review
24 the transcript before its release. Will we be afforded that
25 privilege?

1 MR. GOLDMAN: We're not operating under the House
2 Intelligence Committee rules.
3 MS. DAUM: I know.
4 MR. GOLDMAN: So this is not in executive session, but
5 you are, of course, welcome to come and review the
6 transcript.
7 MR. MEADOWS: For the record, what rules are we
8 operating under, because I'm confused? I mean, if we're not
9 operating under Intel rules, what rules are we operating
10 under? If it's House rules, you know, I think they
11 deserve -- I'd like to know. I mean, Mr. Chairman, what
12 rules --
13 MS. DAUM: As long as you tell me what the --
14 MR. SWALWELL: So our counsel will follow up with you.
15 Thank you again for coming in today, and we're going to
16 close.
17 Yes, Ambassador, do you have any final --
18 MR. VOLKER: I'd like to ask a question, because my
19 attorney mentioned that there are some sensitive things in
20 here. Would it be helpful to you if I explained what I think
21 the most sensitive thing in this entire email string is?
22 MR. SWALWELL: Sure.
23 MR. VOLKER: [redacted]
24 [redacted]
25 [redacted]

1 [redacted]

2 [redacted]

3 [redacted]

4 [redacted]

5 [redacted]

6 [redacted]

7 MR. SWALWELL: Okay. All right. I appreciate that.

8 Ambassador, we'll take that under advisement.

9 And, with that, we're adjourned.

10 [Whereupon, at 6:55 p.m., the interview was concluded.]

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